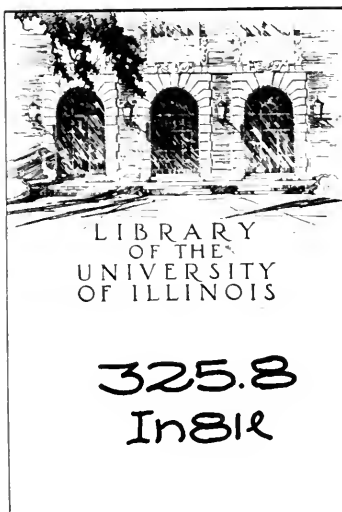


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BUREAU OF THE AMERICAN REPUBLICS,  
WASHINGTON, U. S. A.

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LAWS OF THE AMERICAN REPUBLICS

RELATING TO

IMMIGRATION

AND

THE SALE OF PUBLIC LANDS.

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BULLETIN NO. 53.

325  
In 812

BUREAU OF THE AMERICAN REPUBLICS,  
NO. 2 LAFAYETTE SQUARE, WASHINGTON, D. C., U. S. A.

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## The Argentine Republic.

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Of all the countries of America which at one time belonged to the Spanish Empire, the Argentine Republic has in the most satisfactory manner solved the vital problem of foreign immigration and colonization. In the famous speech which, at the meeting of the International American Conference, April 2, 1890, was delivered by the eminent statesman and accomplished scholar, Dr. Don ~~Roque Sáenz~~ Peña, the fact was forcibly stated that the Argentine Republic, by her wise laws and clever management in regard to this subject, had succeeded in attracting to her territory a regular and steady current of immigration, which amounted to about 300,000 souls annually, and which in no manner endangered or obstructed either the institutions of the country or the peace and safety of its inhabitants.]

Article 20 of the Constitution of the Argentine nation reads as follows:

[ Aliens shall enjoy in the territory of the nation the same civil rights as its citizens. They have full liberty to engage in all kinds of business, industrial, commercial, or professional, and are authorized to own, hold, and possess real estate, acquire it by purchase, inheritance, or any other legal means, and to sell or convey it to others. They are also allowed to navigate the rivers of the Republic, and along the coasts of the same, and to practice freely their own religion. They can dispose by will of the property of which they are possessed, provided that the disposition which they make is not in contravention of the law of the country, and contract valid marriages, subject to the same proviso. They are entitled to obtain naturalization in the Republic if they so

desire, upon application for that purpose and sufficient proof that they have resided continuously within the limits of the country for the period of two years; but this period may be shortened at the discretion of the proper authorities, at the request of the applicant, and upon proof that he rendered some service to the Republic.

By other sections of the constitution the following rights are guaranteed to all residents of the Argentine nation:

Absolute liberty to engage themselves in all kinds of lawful work, industry, navigation, or commerce. Absolute and unrestricted right of petition to the authorities. Absolute and unrestricted freedom to enter the Argentine territory, travel through it, remain in it, or leave it. Absolute liberty to give the public, through the press, their own ideas in all matters, without previous censorship of any kind. Absolute right to hold and possess property of all kinds and freely dispose of it. Absolute freedom of association for all kinds of useful purposes. Unrestricted freedom of worship. Absolute liberty to teach and to learn.

Equality before the law. There are no slaves in the Republic, and the few who existed in 1860 were at once set free by the constitution. The purchase or sale of a human being is a criminal offense severely punished by the Penal Code. Slaves coming from abroad become free as soon as they set their feet on the Argentine soil. No privileged classes, titles of nobility, or personal distinctions on account of birth, profession, etc., are recognized by law. Equality also prevails in matters of taxation and in the distribution of public duties and burdens.

Private property can not be taken for public use, unless by operation of law and upon the previous payment of the proper indemnity. The penalty of confiscation of property is absolutely abolished.

No punishment can be inflicted upon any inhabitant of the Republic except upon regular trial and for offenses which are declared to be such by laws previously enacted, nor can those trials be conducted by special commissions, or by courts different from



those which were of competent jurisdiction under the general laws in force prior to the offense. Absolute inviolability is guaranteed by law, both to the defense of all the inhabitants of the Republic in all their cases, whether civil or criminal, before the courts, and to the domicile of all of them and their private papers and correspondence. The penalty of death can not be inflicted for political offenses.

Naturalized citizens are exempted from military service during the ten years subsequent to their admission to citizenship. But this privilege may be waived by them if they wish, and in that case they may be allowed to render this service.

Article 25 provides as follows:

The Federal Government shall promote and encourage European immigration. It shall have no power to restrict, to limit, or to burden with taxes or charges of any kind, the afflux to the territory of the Republic of any foreigners coming to it to cultivate its soil, to improve its industries, or to introduce and teach the sciences and arts. ]

The Law of Immigration and Colonization for the Argentine Republic, enacted October 6, 1876, established a general bureau of immigration, under the supervision of the Secretary of the Interior. To the able management of this office and the liberality shown by the Government in the distribution of the public lands, as well as to the natural fertility of the country, the great success secured in this matter has undoubtedly been due.

This important law consists of two parts: I. "Immigration;" II. "Colonization."

The first part, subdivided into ten chapters, substantially provides as follows:

Chapter I (sections 1 to 3), for the organization of the bureau of immigration and the determination of its duties and powers.

Chapter II (sections 4 and 5), for the appointment of immigration agents in several localities of Europe and America.

Chapter III (sections 6 to 8), for the establishment of several commissions of immigration, subject to the general bureau, to sit

at the capital of each province and at certain ports where immigrants are accustomed to land, and, if necessary, at any other place.

Chapter IV (sections 9 to 11), for the establishment of employment bureaus, under the control and supervision of the local commission and the central bureau of immigration, to assist immigrants in finding profitable work and advising them in the matter of whatever contracts or obligations proposed to them.

Chapter V, on immigrants, is as follows :

SEC. 12. Foreigners of both sexes, of good moral character and under the age of 60 years, whether day laborers, or capable of exercising a trade, or of working in an industrial establishment, farmers, or teachers, who come to the Republic for the purpose of settling on its soil, and have arrived either on board a sailing vessel or a steamer as a second or third class passenger, or have had their passage paid by the nation, by some one of the provinces, or by some private colonization board or association, shall be, for all the purposes of the present law, deemed to be immigrants.

SEC. 13. Those, however, who may be unwilling, for reasons of their own, to be considered as such immigrants, even if they have all the qualifications required by the preceding section, shall be permitted to set forth their wishes, either before starting in their voyage, by representing to the captain or master of the vessel, who shall be bound to make a record of it in his books, that they waive all their rights and privileges as immigrants, or after their arrival in the Argentine Republic by making a declaration to the same effect before the proper authorities. In both cases said passengers shall be deemed to be ordinary travelers.

This provision nevertheless shall not be applicable to those persons coming to the Republic, under proper contracts, to settle on its territory, whether in any colony or elsewhere.

SEC. 14. Every immigrant who gives sufficient evidence of his good moral character and shows his aptitude to engage in any industrial business, or in any trade or useful occupation, shall be entitled, upon his arrival in the country, to the following :

First. To be lodged and supported at the expense of the nation for the time set forth in sections 45, 46, and 47 of the present law (5 days to be counted from the date of landing if the immigrant is in good health, and in case of illness which prevents his removal at the expiration of 5 days, as many days as the illness may last. But immigrants under contract shall have board and lodging gratuitously until sent to their destination.)

Second. To be given occupation in such branch of labor or industry existing in the country as he may wish to engage in.

Third. To be carried, at the expense of the nation, to any place of the Republic in which he may wish to establish his domicile.

Fourth. To be allowed to introduce, free from duty, his wearing apparel, household furniture, agricultural implements, tools, instruments of his particular trade or art, and a fowling piece for each adult immigrant, up to the amount fixed by the Executive.

SEC. 15. The foregoing provisions shall be applicable, as far as possible, to the wives and children of the immigrants.

SEC. 16. The good moral conduct and industrial ability of the immigrant may be proved by certificates issued either by the Argentine consul or immigration agent at the place from which the immigrant comes, or by the local authorities of the same place. In the latter case the certificates must be authenticated either by the consul or the immigration agent.

SEC. 17. All immigrants, farmers, who come under contracts to settle on any of the colonies established in the Republic, and engage therein in agricultural purposes, or who in the absence of such contracts are willing to go to the said Colonies for the same purposes, shall be given the same special privileges and advantages in regard to the payment of passages, concessions of land, facilities for the cultivation of the lands, etc., as are granted under chapter III, part second of the present law.

Chapter VI, "on the vessels engaged in the transportation of immigrants," carefully regulates this matter. Its provisions (sections 18 to 37) are calculated to insure the safety and comfort of the immigrants, and to prevent abuses on the part of the captains or masters of the ships, and seem to have worked satisfactorily.

Chapter VII, "on the landing of the immigrants," secures by its provisions (sections 38 to 41) the supervision of the National Government, according to the rules made for that purpose.

Chapter VIII, "on the lodging and board of the immigrants," (sections 42 to 47) contains provisions for the establishment of lodging houses, or depots for the immigrants and for their support, as follows:

SEC. 45. The immigrants shall be entitled to proper decent boarding and lodging at the expense of the nation during the five days immediately following to the date of their landing.

SEC. 46. In case of grave disease, which rendered it impossible for the immigrant, at the expiration of the said five days, to move from that place, he shall be allowed to remain there and the Government shall continue to attend to his lodging and support until he recovers.

On all other circumstances the immigrant who remains at the establishment for a longer period than the five days above stated shall be bound to pay for it at the rate of half a dollar per day each person over 8 years of age and 25 cents each child under that age.

SEC. 47. The foregoing provisions shall not be applicable to such immigrants as come to the country under contracts made and entered into between them and the nation to settle in the colonies, said immigrants being entitled to gratuitous boarding and lodging until they are sent to their places of destination.

Chapter IX deals with securing occupation for the immigrants, their transportation to the respective localities wherein they are to settle, and contains among others the following important provision :

SEC. 51. Whenever an immigrant should express his wish to reside in any province or colony of the Republic, in preference to any other place, he shall be immediately transported free, together with his family and baggage, to the locality selected by him.

SEC. 52. If he has chosen to reside in any of the provinces, he shall be supported by the respective commissions of immigration until reaching the place of destination during ten days. At the expiration of this time each person over 8 years shall pay half a dollar per day and each child under that age 25 cents. But in case of grave sickness the State shall continue to pay as long as it lasts.

SEC. 53. If the immigrant has chosen to go to a colony he shall be granted all the advantages to which colonists are entitled under the present law.

Chapter X, under the heading of "The Immigration Fund," provides for the creation of a fund to this effect, consisting, first, of all moneys appropriated by Congress to encourage immigration; second, of all moneys collected through the office of lands and colonies; third, of all fines imposed to punish violations of the present law; fourth, of all moneys which the immigrants themselves may pay under the provisions of this law. This chapter regulates, also, the distribution to be made of these funds and by whom and with what requisites and formalities.

Part second, devoted to "Colonization," contains seven chapters, as follows:

Chapter I, "On the central office of lands and colonies," establishes a central office at the capital of the Republic, under the immediate supervision of the Secretary of the Interior, and regulates its functions and duties as well as its relations with the bureau and the commissions and agents of immigration.

Chapter II, "On the national territories and their divisions," provides for surveying the territories belonging to the nation, and the division of those best adapted for agriculture in sections of 20 kilometers square. This area, however, may be lesser or greater whenever a natural limit can be taken advantage of on any side, provided that the increase or the decrease resulting thereby does not exceed the 20 per cent of the regular size of the section. Each section is to be subdivided into 400 "lots" of 100 hectares.

Four lots shall be set apart in the center of each section, if no better locality is found elsewhere, for the erection of a town, and seventy-six others devoted to use as commons. The remaining 320 lots shall be subdivided in halves and quarters, designating the lots by numbers, beginning at the northwestern angle and continuing from left to right to the end of the section and back again to the southwestern corner. The subdivisions shall be marked by letters.

Each section so subdivided shall be called a "partido," which shall be crossed from north to south and from east to west by two streets or roads 50 meters wide, meeting in the center of the principal square of the town. The roads between lot and lot shall be 25 meters wide.

The four lots set apart for the building of the town shall be subdivided in 256 manzanas, or blocks, of 100 meters on each side. The streets shall be 20 meters wide, but that one which marks the boundary shall have a width of 48 meters. The four central blocks shall be set apart to be used as principal square.

and two other blocks opposite to them shall be left for the public buildings.

The blocks or manzanas shall be subdivided in building lots (*solares*) of 50 meters on each side.

Chapter III, "On colonization, donations, sale, and reservation of lands," provides for the transportation of the families destined to each section when ready for settlement. The first one hundred colonists in each section who are farmers and heads of a family shall be given gratuitously a lot of 100 hectares, the lots to be distributed alternately. The remaining rural lots shall be sold at the rate of \$2 a hectare, to be paid in ten installments, the first not payable until the end of the second year.

The sales may be limited to the fourth part of a lot, but can never exceed four lots in favor of only one purchaser.

The office of lands and colonies shall advance the money necessary for the payment of the passage of the colonists from the place of embarkation to destination, also for their lodging, support, the animals which they may acquire for breeding and working purposes, as well as seeds and implements, all of this for one year at least. But the sums so advanced shall never exceed \$1,000 per colonist, and shall be repaid to the Government in five installments, the first of which shall not be due until after the expiration of the third year.

The building lots shall be sold at the rate of \$2 each.

The purchasers of lots, both building and rural, shall be bound to settle and dwell on the former within the period of one year, and to have the latter under cultivation for two continuous years. The failure to fulfill this requisite shall cause the lands to be forfeited.

The Government may reserve some sections, for colonization by private enterprises, for Indian reservations, or for grazing purposes.

In case any private colonization company should ask the Government for any of the sections which it has the power to reserve

for this purpose, the same shall be granted on condition that the survey and subdivisions of the ground be made in strict conformity with the provisions of law, and that at least 140 families devoted to agriculture be brought there and settled within two years.

Each one of these families shall be the owner, either through donation or purchase, of at least 50 hectares, and the colonies are to be provided with proper lodgings, implements of labor, animals for working and breeding purposes, seeds, and board for at least one year, the actual value of which shall be paid back by them, with an additional charge of 20 per cent, and interest at 10 per cent per annum, in easy annual installments, after the third year.

All contracts entered into between the private associations and the colonists are to be examined by the office of lands and colonies so as to secure strict compliance with the provisions of the law.

The colonization companies must give bonds in the sum of \$4,000, which shall be forfeited in case of violation of the terms of the concession, and the concession itself shall be also forfeited in such cases as under the law such an additional penalty ought to be imposed.

The national executive may grant tracts of lands, in territories belonging to the nation, but not yet surveyed and open to colonization, as may be asked for by private colonization companies; but these concessions shall be made on condition that the company will strictly comply with the provisions of this law, and cause at least 250 families devoted to agriculture to settle on the lands within a period of four years. A bond of \$10,000 will be required.

No more than two sections of land shall ever be granted to one and the same company, which shall always pay for the surveys and all other expenses, except the transportation of the colonists from the place of landing to the site of the colony, which shall be paid by the nation.

Chapter IV, consisting of six sections—from section 106 to

111—provides for the creation and management of a special land fund to meet all the necessities of this branch of the service. .

Chapter V empowers the national executive to encourage by all possible means the development of agriculture, and make gratuitous concessions of lands to those colonists who have distinguished themselves by their steady work and exceptional industry. But no more than two lots shall be granted in this way to the same person.

Each colonist shall be entitled, within the first six years of his establishment in the country, to a reward of \$10 for each thousand trees two years old, which he proves to have planted and to be in existence on his grounds.

The national colonies shall be exempted from direct taxation of all kinds during the first ten years of their existence as such colonies.

The agricultural implements, seed, tools, furniture, and arms imported for the use of the immigrants shall be introduced in the colonies free from duties.

Chapter VI provides for the administration of the government of the colony, under a commissioner (*comisario*) appointed by the executive, who shall take charge of everything relative to lands, surveys, and colonization matters properly, and a justice of the peace and five aldermen, elected by the colonies. But said election shall not take place until after the settlement on that particular locality of at least fifty families.

Chapter VII, which is the last, authorizes the national executive to assist the provinces in promoting and encouraging colonization, by granting gratuitous transportation of the colonists, by contributing \$200 for each hundred families settled in the province, and by other measures of no less liberal character.

In an interesting book published in English, in Buenos Aires, in 1888, under the title of *Manual of the Immigrant to the Argentine Republic*, by Mr. M. A. Pelliza, and adopted as official by



the Government, information of great value is supplied about the cost of living, facilities of transportation, and all other points useful to immigrants and colonists, both in the national territories and the provinces or states.

### LAND LAWS.

Distinction is made between the lands belonging to the nation and the lands belonging to the provinces.

The only actual national lands [writes Mr. E. L. Baker, United States consul at Buenos Aires, in a report to the Government], are those which are embraced in the several territories of the nation, to wit: The Pampa, the Chaco, the Misiones, and Patagonia, and none of this public domain can be disposed of without previous measurement and survey. This is regulated under the law of October 24, 1882, which provides that all surveys shall be made in successive zones, and in ordering surveys the Government is required to select—(1) those lands which are contiguous to zones which have already been opened to settlement, either by the provinces or by the nation; (2) those lands which are situated on the seacoast or banks of rivers, or are adjacent to ports or roads and ways of communication already opened.

The system of measurement in the Pampa and Patagonia is as follows: (1) Sections of 1,000,000 hectares (400 leagues of 2,500 hectares each) shall be marked off; (2) Each of these sections shall be divided into four quarters of 250,000 hectares (100 leagues of 2,500 hectares each), and each one of these shall be subdivided into twenty-five lots of 10,000 hectares (4 leagues each); (3) these lots of 10,000 hectares shall be in the form of a square.

It is further provided that the engineers and surveyors commissioned to make these surveys must be named personally by the executive and in no case shall the same parties be engaged to survey more than one section. They shall proceed to do their work in accordance with such instruction as they shall receive from the department of engineers, and the reports they make shall be descriptive, indicating the areas most appropriate for agriculture or for the location of towns and colonies, and giving the reasons for their opinions. Upon the receipt of these reports the executive shall decide the areas which, for any reason, shall be excluded from public sale. In those sections which extended into the cordilleras of the Andes there shall be made, in addition to the annotations above referred to, exact annotations of all mines, salt deposits, spring and water courses, the height above the level of the sea, and all other matters worthy to be mentioned in each section surveyed. These returns and field notes must be presented to the depart-

ment of engineers for examination, and a duplicate also to the executive. Thereupon the department of engineers shall designate the areas which, in their opinion, are to be set apart for pasturage, for agriculture, and for towns and colonies.

In regard to the territory of Misiones, its area shall be subdivided on a different basis. It is to be surveyed into sections of 10,000 hectares each, and each of these again subdivided into one hundred lots of 100 hectares each, and in the surveys shall be designated the parts appropriate for agriculture in the manner above stated.

When all these surveys and plats shall have been approved by the executive, they are to be lithographed and printed for distribution.

#### SALE OF PASTORAL LANDS.

In the sale of lands designated for pastoral purposes the law provides as follows:

1. All sales must be made at public auction, and it is not allowed to include in one auction an area of more than 2,500,000 hectares.

2. The area or extent of land annually sold shall not exceed 2,500,000 hectares, or, say, 1,000 leagues of 2,500 hectares each.

3. The minimum price, as a base for the auction, in the territories of the Pampa and Patagonia is fixed at 20 cents per hectare, or \$500 per league, and in the territory of the Chaco at 30 cents per hectare, or \$750 per league.

4. The auction must be advertised not less than 90 days before the day of sale in the capital of the Republic and in the capitals of the several provinces.

5. The base for each sale shall be 2,500 hectares, or a square of 5,000 meters each side.

6. The purchaser has the privilege of acquiring not more than 40,000 hectares, or four continuous lots.

7. These tracts can only be acquired by those who obligate themselves to settle them, expending within the first 2 years not less than 500 pesos for each lot of 4 leagues in houses and stock.

8. The payments must be made as follows: One-sixth part cash in hand and the balance in five equal annual payments, the purchaser signing notes for the deferred payments.

9. If these notes are not paid at maturity they may be renewed for 1 year at 6 per cent interest; if then they or any of them are not paid or if the obligation to settle the lands has not been complied with, the chief of the land office will proceed to sell the same for account of the purchaser at public auction.

10. The payment of any or all the notes may be anticipated at a discount of 6 per cent.

11. The auctions of all public lands must take place in the national land office between 12 and 4 o'clock of the days advertised, and one offer is sufficient, provided it is not less than the price fixed as the base of the sale. And the chief of the national land office, assisted by a Government notary, shall preside at all auctions.

12. For each tract sold the land office gives a certificate on stamped paper, signed by the chief and countersigned by the President of the Treasury.

13. The national land office is required to keep a register, in which shall be noted all lots sold, with a full description of the same, the name of the purchaser, the date of the purchase, etc.

14. When all the conditions and requirements of the law have been complied with and the entire amount of the purchase money paid, the executive shall order the Government notary to complete and deliver deeds of transfer to the purchaser.

#### SALE OF AGRICULTURAL LANDS.

The entire territory of Misiones and such areas as are set apart for agriculture in the territories of the Pampa, Chaco, and Patagonia are designated as farming lands (*tierras de pan*), and they are sold on the following terms:

1. The surveys, which the department of engineers is required to make, must be made public and the plans distributed throughout the Republic.

2. Any person or company can purchase not less than 25 hectares nor more than four lots, say 400 hectares, in the same section.

3. The sales must be made by application or petition written before the chief of the public land office, who must enter in a special register the day and hour at which it was presented, with a description of the tract solicited. The entry must be signed by the applicant or his attorney.

4. The price of farming lands in the Misiones and the Chaco is fixed at 2 pesos (or dollars) per hectare and in the Pampa and Patagonia at 1½ pesos.

5. The payments must be as follows: One-fifth part cash and the balance in four equal annual payments.

6. The purchasers must sign notes for the deferred payments; but these notes can be discounted and paid before maturity, as in the case of pastoral lands.

7. The chief of the land office shall deliver to the purchaser a certificate on stamped paper, signed by the said chief and countersigned by the president of the treasury, and this certificate is not transferable.

8. These farming lands can only be acquired by those who obligate themselves to cultivate, within the three following years, at least the fifth part of each tract.

9. Purchasers who fail to comply with the obligations of their contracts shall, when their notes fall due, be proceeded with as in the case of pastoral lands.

10. When all the conditions of the sale have been complied with by the purchaser and the full price of the land paid, the Government notary shall, on the order of the Executive, complete and deliver the deeds of transfer.

#### GENERAL REGULATIONS.

1. In all cases of the sale of Government lands the purchaser is not allowed to sell his tract to the adjoining owner until he has fully completed the purchase.

2. Neither purchasers nor their assigns are permitted to make any opposition to the opening of roads or highways over their lands when the increase of population shall require this, nor to the running of railways across their lands; nor have they any right to indemnity for ground which may be taken for such purposes, but they have such right in the case of buildings or improvements.

3. The Government is not allowed to sell lands on which there are deposits of salt.

4. Lots designated for towns and colonies shall be divided up and sold in accordance with the law in such cases made and provided.

5. Purchasers of public lands are required to pay the taxes assessed upon the same from the year after their purchase, even though they have not completed the payments.

The foregoing is quite a full résumé, United States Consul Baker says, of the laws in reference to the sale of the public lands of the Argentine Republic. Now, in regard to the extent and character, he adds, of the unoccupied Government territory, it is rather a difficult matter to give exact or even approximate figures. I can only repeat the following table, heretofore compiled by me, which gives the superficial area of the different provinces and territories and the amount of land now estimated to be under cultivation.

*Table showing the total area and the area under cultivation in the Argentine Republic.*

Provinces and territories.	Area under cultivation.	Total area.
<b>Provinces:</b>	<i>Hectares.</i>	<i>Hectares.</i>
Buenos Aires .....	868,658	31,123,700
Santa Fe .....	536,537	13,158,200
Entre Rios .....	136,151	7,545,700
Corrientes .....	46,631	8,114,800
Cordova .....	234,395	17,476,700
San Luis .....	79,630	7,591,700
Mendoza .....	88,546	16,081,300
San Juan .....	79,630	9,750,500
Rioja .....	22,217	8,903,000
Catamarca .....	44,618	9,064,400
Santiago del Estero .....	120,400	10,335,500
Tucuman .....	35,943	2,419,900
Salta .....	38,525	12,826,600
Jujuy .....	18,994	4,528,600
<b>Territories:</b>		
Misiones .....	4,606	5,395,400
Formosa .....	600	11,567,100
Chaco .....	3,623	12,483,400
Pampa .....	5,964	14,491,900
Neuquen .....		10,908,100
Rio Negro .....	1,291	21,216,300
Santa Cruz .....		27,601,000
Chubut .....		24,733,100
Terra del Fuego .....		2,104,800
<b>Total .....</b>	<b>2,359,958</b>	<b>289,429,841</b>

Of the territories designated above, it is necessary to explain that Formosa is a part of the Chaco, and that Neuquen, Rio Negro, Santa Cruz, Chubut, and Terra del Fuego comprise what has heretofore gone under the name of Patagonia. Of these territorial areas the greater part is still in the hands of the National Government. The lands of the Chaco, Formosa, Misiones, and the Pampa are to a large extent suitable for farming, while it is only in certain localities that the territories of Patagonia are suitable either for farming or pastoral purposes, a very large proportion of that region being without water and without grass, and hence almost valueless for any purpose.

There are no preëmption or homestead laws in the Argentine Republic. Except in cases where such lands are specially designated on the plats, there is no distinction in the sale or settlement of mining, timber, mineral, or agricultural lands. There is no distinction made in the public land laws between citizens and aliens.

## PROVINCIAL LANDS.

In reference to the provincial lands, United States Consul Baker says:

All the unsold lands in the different provinces are the property of the respective provinces and subject to sale under such regulations and on such terms as the laws of each one provide. Of the lands not under cultivation or pasturage in the different provinces it is not possible for me to say how much is in the hands of purchasers and how much is still owned by the provinces. There is no doubt, however, that the greater part has already been sold to private individuals or speculators, and that the character of what remains is not generally adapted to farming purposes.

The following information, in regard to the provinces of the Argentine Republic, extracted from the "Manual of the Immigrant," will be found of interest:

## PROVINCE OF BUENOS AIRES.

This province, of temperate climate, has a soil eminently adapted for agricultural purposes and for cattle breeding, consisting chiefly of those fertile plains which are known there under the name of "pampas." Horned cattle, horses, and sheep are raised here in enormous quantities, and abundant crops of wheat, maize, alfalfa, and other valuable productions are gathered without difficulty. The business of the farmer and of the cattle-raiser are considerably facilitated by the railroads, telegraphs, and other means of easy communication which abound in the province. A good laborer, even if he takes no money to Buenos Aires, may in about eight years of employment in agriculture find himself in a quite independent position and the owner of a good home.

There as in all the other provinces of the Argentine Republic, a well-organized system of public schools is fully in operation, and the settler therefore finds no difficulty in securing for his family educational advantages of the highest character. In this province, which is the largest, the wealthiest, and the most populous

of the Republic, no immigrant, whatever his nationality may be, ever fails to find occupation, at the average wages of \$1.25 per day.

#### PROVINCE OF SANTA FE.

The province of Santa Fe, which borders upon that of Buenos Aires is essentially agricultural. Its port, Rosario, on the Paraná River, is a flourishing commercial center, through which immense quantities of cereals and other articles are constantly exported. The immigrant may be sure to find occupation as soon as he enters this province, and if he is willing to settle in any of the colonies already established there, he will need only a short time to secure for himself an independent position.

#### PROVINCE OF ENTRE RIOS.

The province of Entre Rios, which has been called also the Argentine Mesopotamia, both on account of its rivers and other topographical conditions and of its fertility, offers a vast field for the immigrant. Cattle-raising and agriculture are the chief branches of industry, and the colonies established there have given and are still giving the most favorable results.

A number of slaughterhouses and meat-salting establishments are found on the banks both of the Uruguay and the Paraná Rivers, and a commerce of *tasafo* (jerked beef) of considerable importance is made through these places. Communication with the capital of the Republic and with foreign countries is very easy, as steamers are constantly going up and down the rivers above named.

#### PROVINCE OF CORRIENTES.

Corrientes is a region eminently fitted for breeding cattle and for the raising of tropical productions. Sweet oranges, which grow there almost without any cultivation, constitute a trade of considerable importance. Sugar plantations, too, have proved

successful. Intelligent labor and enterprise are sure to find ample reward in this province.

#### PROVINCE OF CORDOBA.

The province of Córdoba, whose capital, the city of Córdoba, one of the oldest of the country, is the site of a famous university, which has been in existence for over a century, is gifted with a delightful climate and with the most excellent facilities for cattle-raising and agriculture, as well as for mining enterprise. The blankets of Córdoba are much celebrated in the country, and are generally preferred to those imported from abroad.

This province is destined to enjoy a great future, and, if immigration goes on and increases as is to be hoped, its wealth will greatly increase. The population is quite large now, but there is still a great abundance of good, cheap land which, in intelligent and enterprising hands, would yield enormous profits.

#### PROVINCE OF SANTIAGO.

The province of Santiago, or, as it is more properly called, Santiago del Estero, offers also the greatest facilities for agriculture and cattle-raising which can be desired. Life in that section is delightful; the winters are mild, and in the summer the heat is mitigated by cool breezes arising from the Dulce and the Salado rivers.

#### PROVINCE OF TUCUMAN.

There is nothing more picturesque and more beautiful than the landscape of Tucumán; it was rightly called the garden of the Republic. It contains magnificent mountains, covered on their tops with snow and on their skirts with the most luxuriant vegetation. From these mountains many rivers start to water and fertilize the surrounding territory. Laurel and cedar trees are



often found there which measure no less than 8 yards in circumference and are tall in proportion.

The current of immigration is to a great extent directed toward this province. Its climate and the exceptional beauty of its vegetation powerfully attract to it foreign immigrants, who see at once the immense advantages they can derive from settling there. For a long time immigrants will continue to find at Tucumán not only good employment and highly remunerative salaries, but kind people, whose generosity and hospitality have become proverbial.

#### PROVINCE OF SALTA.

Close to Bolivia, in the northern part of the Republic, is the province of Salta. Its inhabitants are principally engaged in agriculture and cattle-raising and have developed a large trade, especially of mules and horned cattle, with Chile and Bolivia.

#### PROVINCE OF INJUY.

West of the province of Salta, and exactly in the northwestern corner of the Republic, bordering upon Bolivia and Chile, is the province of Injuy, whose climate is cold and whose lands are generally fit for nothing more than the accommodation and support of vast herds of cattle. This province has a great prosperity in store for it, owing to the petroleum deposits which have been discovered. If properly worked by sufficient number of laborers, this petroleum business will successfully compete with that of the United States.

#### PROVINCE OF CATAMARCA.

The province of Catamarca, whose capital, the city of the same name, has already a population of over 12,000 inhabitants, is a flourishing and attractive region. The immigrants who go there and settle will soon make fortunes. The cost of living is very

small and wages are high. Besides agriculture and the other branches connected with it, the inhabitants of this region devote their energies and capital to the development of the mining wealth of their soil. Silver and copper are abundant.

#### PROVINCE OF LA RIOJA.

The province of La Rioja has become famous for the abundance of silver which, it is said, is found in its mines; but it is also an agricultural country and colonists will find there ample field to secure comfort and prosperity.

#### PROVINCE OF SAN JUAN.

San Juan is also an agricultural province. Viticulture is one of its especial features, and it is carried on so successfully that the San Juan wines and brandy favorably compete with the imported, and are generally used throughout the whole country. There is ample room in this province for industrious foreigners.

#### PROVINCE OF MENDOZA.

The principal trade of the province of Mendoza consists in cattle, a large number of which are yearly sent to Chile over the cordillera. It is a fertile country, which invites immigration with no less profit and advantage to both the immigrant and the nation than the other sections.

#### PROVINCE OF SAN LUIS.

The people of this province are generally engaged in cattle-breeding and in agricultural pursuits. The soil is of extreme fertility and the pastures are said to be exceptionally good. The Andine Railroad crosses this province and has a station at each city of importance.

## Bolivia.

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The efforts which the Government of this rich and interesting Republic has thus far made to invite immigration, both by promoting and encouraging the formation of stock companies to be engaged in that business and by enacting liberal laws of immigration and colonization, have not met with much success. Whether it is because of the interior position of the country, especially since the war with Chile, which deprived Bolivia of her ports on the Pacific, or because of the wars and revolutions which have afflicted her, or for other reasons, the fact is that immigration there has been insignificant, and Bolivia's increase in population shows hardly a natural average.

In the annual message sent to the Bolivian Congress by President Arce, on the 6th of August, 1891, the following is said:

To properly attend to the colonization of the fertile territory of the province of Beni, orders have been given for the construction of a fort, with all the required dependencies, at the confluence of the Itonoma and Machupo rivers. The garrison of Fort San Matias has also been reinforced, as suggested by the prefect of Santa Cruz, and in this way those regions will be protected against Indian incursions.

In the same year, 1891, a pamphlet was printed at La Paz, under the title of "Notes and Information on the Splendid Business which can be Undertaken in Bolivia with United States Capital," the scope of which embraces the establishment of banks, building associations, and other enterprises, which, while developing the resources of the country, will also attract immigration.

It is to be hoped that all steps taken in this direction will fully correspond to the patriotic purposes of the Bolivian Government and people.

## Brazil.

The question of immigration and colonization has always been given by the legislators of Brazil all the prominence which it deserves, both under the Empire and the Republic. Long before the abolition of slavery, patriotic Brazilians had clearly seen that the future of their country depended largely upon healthy and successful colonization, and as far back as 1818, 1824, and 1830 earnest efforts were made to bring over to Brazil European colonists, principally from Switzerland and Germany, and to introduce with them European agricultural methods and all kinds of scientific and industrial improvements.

The Economist, of Rio Janeiro, published not long ago statistical information of the greatest interest in regard to this movement from 1855 to the 30th of May, 1891. It appears that during this period 965,105 immigrants arrived in Brazil, of which 81,792 were during the five months from January to May, 1891. As the study of these figures in detail may be found instructive, they are here reproduced:

### *Immigration from 1855 to May 30, 1891.*

1855 .....	11,597	1863 .....	7,434
1856 .....	13,800	1864 .....	7,600
1857 .....	14,194	1865 .....	5,952
1858 .....	18,252	1866 .....	7,281
1859 .....	19,695	1867 .....	10,032
1860 .....	14,915	1868 .....	8,355
1861 .....	12,747	1869 .....	9,527
1862 .....	12,666	1870 .....	4,556

*Immigration from 1855 to May 30, 1891—Continued.*

1871 .....	6, 275	1882 .....	27, 197
1872 .....	17, 745	1883 .....	28, 670
1873 .....	13, 932	1884 .....	20, 087
1874 .....	19, 942	1885 .....	30, 135
1875 .....	11, 001	1886 .....	25, 741
1876 .....	30, 567	1887 .....	54, 990
1877 .....	29, 029	1888 .....	131, 745
1878 .....	22, 423	1889 .....	65, 161
1879 .....	22, 189	1890 .....	107, 100
1880 .....	29, 729		
1881 .....	11, 054	Total .....	965, 107

It can be seen from this statement that from 1863 to 1871 the tide of the immigration subsided considerably, which was due, as explained in the Hand Book of Brazil, Bulletin No. 7 of the Bureau of the American Republics, to the interference of European governments owing to complaints made against the contract system which was then generally in use. While slavery existed as a legal institution of the country it was naturally difficult to afford free labor all the necessary guarantees and prevent contractors and employers from unduly exceeding their authority.

The 131,745 immigrants in 1888, 107,100 in 1890, and 81,792 in the first five months of 1891, are no doubt an encouraging indication of the success which, under freedom for all men and republican institutions, awaits Brazil in this respect as well as in all others.

The 107,100 immigrants of 1890, classified by nationalities, were as follows:

Italians.....	31, 275	Swedes.....	356
Russians and Poles .....	27, 125	Belgians.....	308
Portuguese.....	25, 174	Swiss .....	254
Spaniards.....	12, 008	All other nationalities .....	698
Germans .....	4, 812		
French .....	2, 844	Total.....	107, 100
Austrians.....	2, 246		

The 81,792 of the first five months of 1891, distributed in the same way, are as follows:

Italians .....	31,663	Swiss .....	76
Russians and Poles .....	10,298	English .....	1,500
Portuguese .....	19,388	Danes .....	42
Spaniards .....	11,428	From the United States .....	16
Germans .....	1,911	From Holland .....	12
French .....	1,022	All other nationalities .....	790
Austrians .....	3,009		
Swedes .....	340	Total .....	81,792
Belgians .....	309		

Out of these 81,792 immigrants, 49,984 were agriculturists.

In the above-mentioned Hand Book of Brazil a short account was given of the principal colonies which have been founded in Brazil since 1824. It will properly complete what has been said in the preceding pages and so is repeated here. It reads as follows:

#### COLONIES.

In 1824 was founded, in the then province of Rio Grande do Sul, the German colony of São Leopoldo, with a beginning of 126 persons.

The present population of this rural district is 40,000. This colony was established by Pedro I, and may be considered as the prolific mother of the German colonies in Southern Brazil. The colony suffered terribly during the revolt and civil war which raged in Rio Grande do Sul from 1835 to 1845, and the town of São Leopoldo, in 1846, was a heap of ruins; but with the return of peace the era of prosperity began, and its growth in wealth and population has since been uninterrupted. To the solid prosperity of the settlements of which São Leopoldo is the mother and center, the witnesses may be found in the many sawmills, oil presses, breweries, tanneries, distilleries, sugar mills, manufactories of cloths, hats, firearms, iron works, etc. The exportation of butter, cheese, eggs, and leather is considerable.

Out of this colony forty-three others have sprung and formed settlements in Rio Grande do Sul, mostly about São Leopoldo as a center.

The colony of Santa Cruz, founded in 1849, under the auspices of the Provincial Government, with 13 persons, had grown in 1877 to 988 families and a total population of 5,083. They are Germans, and cultivate tobacco, which constitutes one-third of their products, corn, rice, flax, beans, sugar cane, the vine, etc.

The most interesting and important colony in Santa Catharina is that of Blumenau, founded in 1860 by Dr. Herman Blumenau, afterwards transferred to the Imperial Government, receiving on its incorporation into the system of colonies, the name of Itajahy. Its population, together with that of the district of Itajahy, was in 1877, about 11,000.

The colony of D. Francisca, founded by the state in 1847, has a population of about 7,000.

The above-named colonies are chiefly of German origin, but the colonists are nearly all naturalized Brazilians, and devote themselves to the cultivation of tobacco, sugar, grains, the vine, and to the manufacture of such articles as are needed among themselves.

The following list embraces all, or nearly all, the other settlements made by foreigners in Brazil:

Santarem in the State of Pará, about 8 miles from the city of the same name, midway between Pará and Manáos, on the Amazon; settled by immigrants from the United States and Great Britain. It consisted in 1877 of 93 persons, and can not be said to be in a prosperous condition.

The colonies of Theodoro, Rio Branco, Moniz, and Carolina, in the State of Bahia, founded by private enterprise, have been taken into the system of state colonies. Their success has not been commensurate with the expectations of their founders, and their total population in 1877 was only about 300.

Santa Leopoldina, in the State of Espirito Santo, situated about 30 miles from Victoria, on the river Santa Maria, has a population of over 5,000, of whom the greater part are Germans, with many Italians, some Swiss and Dutch. They cultivate coffee, the sugar cane, cereals, potatoes, etc. In 1874 the colony exported 2,260,720 pounds of coffee.

The colony of Rio Novo, in the same State, is situated about 7 miles from the port of Itapemerim. It belongs to the State, and, according to the most recent data, has a population of about 1,500. The exportation of coffee in 1874 was to the value of \$105,650. The colony of São José do Tyrol, settled by the Tyroleans, in the same State, and annexed to the preceding, occupies a fertile locality, producing excellent coffee and grains. Its population is estimated at 500. The district in which it is situated is traversed by two navigable rivers.

The colony of Mercury, in the State of Minas-Geraes, has a population of about 800 Germans. Its exportation of coffee, bacon, rice, meal, and tobacco in 1874, amounted to \$85,200. Its shipments are made from the river port of Santa Clara, which is reached by a wagon road.

Porto Real is a colony composed of Italians, French, and Swiss, and is situated about 3 miles from a station on the National Railroad, in the State of Rio

de Janeiro. It has 400 inhabitants, who cultivate coffee, sugar cane, maize, rice, potatoes, beans, and mandioca.

The colony of Cananea, in the State of São Paulo, situated a short distance from the town of the same name, has a population of about 500, principally English. The colonists cultivate tobacco, sugar cane, and cereals. It is 14 miles from the coast, or port of Cananea, whose harbor has a depth of 10 feet.

The colony of D'Assunguy, in the State of Paraná, has about 2,000 inhabitants of various nationalities, who cultivate principally tobacco and sugar cane. Its exports in 1874 amounted to \$34,080.

Santa Maria da Soledade is a colony in Rio Grande do Sul, with a population of 3,000, and is situated 10 miles from the port of Guimarães, with which it has communication. Its products are maize, rice, beans, potatoes, wheat, rye, etc.

The above-named colonies belong to the State system, and, in accordance with the provisions of a law promulgated in 1867, are administered by directors named by the State. Under the provisions of this law the newly arrived immigrants are lodged and fed in establishments for that purpose while awaiting transportation to the lands allotted to them. On taking possession of his land the settler is furnished, at his request, with food for 10 days, the same to be paid for by him after discharging his other indebtedness for sums advanced. He receives also the sum of \$11 for himself and for each member of his family between 10 and 50 years of age; he is furnished also with seeds for his first plantings, the necessary implements of tillage, a temporary house, and 10 acres of cleared forest land; but is debited with the amount of these advances, the land being charged at the rate of 86½ cents per acre for country lots, and about double that rate for village lots. The payment is to be made in four annual installments, the first of which is payable two years after the buyer's taking possession of the land.

A deduction of 6 per cent is made to settlers who make payments in advance of the fixed dates of payment.

In every colony there is a primary school for the children of each sex, and a priest and Protestant pastor for religious purposes.

There are several colonies in Santa Catharina and Rio Grande do Sul established by aid of the Government of these States, and one in Bahia, which contains 500 inhabitants.

The State of São Paulo has 11 colonies founded by individual enterprise, but they are all small in population. They have been established on the lands of large proprietors, under contract, by which the colonists cultivate specified areas of land, either for stated salaries or a certain part of the crops raised. The results of this system have not always been satisfactory.



The State Department of the United States of America, by a circular dated February 10, 1891, addressed to the United States consuls in the different parts of the nations of this hemisphere, asked information on several points concerning immigration and public lands in their respective districts. Mr. Charles Negley, United States consul at Rio Grande do Sul, in answer to a circular from the Department of State, submitted the following report on immigration and public land laws in his district:

UNITED STATES CONSULATE,  
*Rio Grande do Sul, June 22, 1891.*

SIR: In reply to the circular of February 10, 1891, issued by the State Department concerning public lands and immigration, I beg to premise that the laws of Brazil on these subjects are now in a state of transition. Since the proclamation of the Republic new regulations bearing upon immigration have been decreed, and recently the minister of agriculture has taken steps to reorganize the service of immigration and colonization. In regard to the public lands, the Government has appointed a commission to take the matter in hand, so that shortly, in all probability, the laws on this subject will be reformulated.

Under the Empire the provincial governments were mere executive branches of the central power, but now each province has become an independent State. Whether under the circumstances the public lands will become the property of the individual State, or remain under the control of the General Government, or be divided between them as in the United States of America, is an unsettled question.

In the meantime the laws of the Empire remain in force, except when they have been modified or repealed by decrees of the Provisional Government; and they will be the law of the country until altered or repealed by the national Congress.

Taking up now the inquiries of the circular in order, I shall answer them to the best of my information.

1. What are the laws of the country in which you are located respecting the sale and the settlement of the public lands?

They are the same as existed under the Empire and are given in Exhibit A., accompanying this report. Independent of these laws the Government through its immigration service is establishing colonies on the public lands in this State. Each immigrant is allotted 302,500 square meters of land at prices varying according to the locality, for which payment is required in annual installments commencing from the second year. Within seven years the property should be

paid for, but in a large number of cases, even when the occupants have failed to pay all, they have been released by the Government.

2. What is the extent of the unoccupied Government territory and what is its character?

The State of Rio Grande do Sul has a territory of 236,553 square kilometers. As the Government lands have never been surveyed in this State it is impossible to give the extent of the unoccupied territory. It is known, however, to be comparatively small,\* and lies principally in the northwest section of the State. Upon the Alto Uruguay are extensive tracts of unoccupied Government lands, possessed of a good soil, finely timbered and well watered, but as yet without communication of any kind. The balance of the Government land is of less value. The choice lands have long since been taken up or are claimed by private persons.

The General Government has recently enacted a law which requires all the lands of Brazil to be surveyed and divided into regular sections. Every person owning land will then be obliged to register it according to these sections, and all the land that is not so registered will belong to the Government. As yet this law has not been put into execution in this State.

3. Is there any limit to the amount of land that may be secured by purchase, lease, or colonization?

Under the general land laws no limit is specified to the amount of land that may be secured by purchase or concession.

In the colonization of immigrants referred to in the first answer, the lot allowed to each person contains about 30 hectares (hectare equal to about  $2\frac{1}{2}$  acres).

According to the new immigration regulations (Exhibit B), which offer certain inducements to the owners of private lands to settle immigrants upon them, under prescribed conditions, the lots of uncultivated land must contain 15 hectares, and of cultivated land 5 hectares (art. 23). The regulations do not limit an immigrant to a single lot, but in practice he doubtless is so limited.

In February last a State decree was issued providing for the disappropriation of private lands under certain conditions (Exhibit C). According to this law a single individual is not permitted under any circumstances to hold more than two colonies,† literally translated, or homestead, as the word has been rendered in the translation herewith. The size of one of these homesteads is not stated. (See articles 7 and 8, Exhibit C.)

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\* One writer says the superficial area of the State is almost 8,570 square leagues, of which between 1,500 and 2,000 leagues are wild lands.

† Colono is a farmer, and colonia signifies the tract of land which he farms. The words also mean colonist and colony as we use the terms, but not so here.

4. Are there preëmption or homestead laws?

Not as known in the United States. In special cases there are gratuitous distributions of land. (See Exhibit A, section 21.) Ordinarily, however, the lands are sold on long terms. (See Exhibit A, section 21; Exhibit B, art. 9; and Exhibit C, art. 6.)

5. What distinction is made in the sale or settlement of mining, timber, and agricultural lands?

A distinction is made between mining and mineral lands on the one hand, and agricultural and timber lands on the other. For the laws respecting the former, reference is made to the report on that subject in answer to the State Department circular of February 6, 1890. Roughly speaking, the difference between mineral lands and agricultural lands is that the former are only leased and the number and extent of mining grants are limited, while the latter are sold in fee and no limit fixed, except under the immigration laws and regulations and the decree providing for the disappropriation of private lands.

6. What is the price and recognized value of such lands?

As the agricultural lands are sold at auction or upon special offers, or are disposed of by concessions from the Government, it is impossible to give any definite price as to the value of such lands. There is a fixed minimum price, which varies according to the locality.

According to the immigration regulations Exhibit B, article 24, lots of 15 hectares of uncultivated land must be sold to immigrants at a maximum price of 25,000 reis per hectare, and cultivated lands at 50,000 reis per hectare. Also concessionaires of land under this act are obliged to pay 1,033 reis per hectare. (See Exhibit B, article 40.)

7. Is any distinction made in the public-land laws between citizens and aliens?

None under the land laws proper. Under the immigration regulations a distinction is made in favor of the foreign immigrants for whom the benefits are chiefly intended. A proportion of natives may be admitted to these favors, not exceeding 25 per cent of the whole number of immigrants. (See Exhibit B, section 42.)

8. What attempts have been or are being made by the Federal Government or the provincial authorities to encourage immigration, and how far have they been successful?

The Brazilian Government began to encourage immigration as far back as 1825, but a few years afterwards abandoned these efforts on account of civil disturbance. In 1846 renewed efforts were made to bring immigrants into the country, and since then the Government has lent itself to the encouragement of immigration with varying activity and success.

The following table gives the number of immigrants to Brazil and the State of Rio Grande do Sul since 1880:

Year.	Brazil.	Rio Grande do Sul.
1880.....	29,729	.....
1881.....	11,054	.....
1882.....	27,197	3,549
1883.....	28,670	4,402
1884.....	20,087	1,985
1885.....	30,135	4,643
1886.....	25,741	3,597
1887.....	54,990	5,328
1888.....	131,745	4,927
1889.....	65,157	9,366
1890.....		19,485

Senhor Rocha Fraga, agent of immigration in this city, gives the following table of the number and distribution of the immigrants to this State for the year 1890, as compared with that of 1889:

*Immigration in 1890.*

Months.	Rio Grande.	Pelotas.	Porto Alegre.	Total.
January.....	58	27	285	370
February.....	12	12	95	119
March.....	13	5	375	393
April.....	15	39	944	998
May.....	8	17	794	829
June.....	6	30	470	506
July.....	83	33	680	796
August.....	30	25	673	728
September.....	8	48	314	450
October.....	125	4	2,662	2,791
November.....	197	79	5,651	5,927
December.....	244	24	8,349	8,617

*Immigration in 1889.*

Rio Grande do Sul (city).....	1,274
Pelotas.....	308
Porto Alegre.....	8,404
Total.....	9,986

The present efforts of the Government to encourage immigration are embodied in the new immigration regulations (Exhibit B) and in the state decree authorizing the disappropriation of private lands (Exhibit C); also in the colonization of the public lands referred to in the first answer. Besides the land allotted as explained in the said answer, the passage of the immigrants is paid, they are

fed until they receive their land, and are given a sum not exceeding 150,000 reis with which to build a home and tools not exceeding 50,000 reis, all of which, except the passage money, are included in the valuation of the land. They also receive medical aid, medicine and sick diet free.

From the figures above given it would appear that the latest measures of the Government have greatly stimulated immigration. Notwithstanding the liberality of the Government, the execution of these laws has resulted in great hardship to the immigrants, not to say in positive cruelty on the part of contractors, whose victims have suffered by reason of the overcrowding of steamers, poor and insufficient fare, and exposure to the weather before and after arrival.

9. Where do the immigrants come from, and what is their character and condition?

In the year 1888 the State of Rio Grande do Sul received 4,927 immigrants. Their nationalities were as follows:

Italians.....	4,241	Belgians.....	7
Germans.....	277	French.....	6
Portuguese.....	177	Swiss.....	4
Spaniards.....	133	Russians.....	3
Austrians.....	44		
Hollanders.....	35	Total.....	4,927

They were in sex, age, and estate as follows:

Men.....	2,969
Women.....	1,958
Total.....	4,927
More than 12 years of age.....	3,179
Less than 12 years.....	1,748
Total.....	4,927
Married.....	1,262
Single.....	3,665
Total.....	4,927

1889.	1890.
Italians.....	7,629
Spaniards.....	1,382
Germans.....	423
Portuguese.....	228
Austrians.....	59
French.....	44
Belgians.....	27
Other nationalities.....	15
Total.....	9,807
Russians.....	17,000
Spaniards.....	3,000
Italians.....	1,220
Germans.....	1,070
French.....	100
Belgians.....	50
Other nationalities.....	84
Total.....	22,524

The majority of the immigrants who came to this State last year were Poles and looked to be a hardy, industrious people, but apparently with little or no money or effects. Their condition for a time is therefore of necessity one of great privation and hardship. The accommodations at the various points for the receipt and distribution of immigrants are of the plainest character, and the food very meager. The Government provides sufficient money for the sustenance of immigrants, but the administration of these funds is so defective that the immigrants receive but a tithe of what was intended for them. The mortality among the children of the immigrants is very large. But with a healthy climate and fertile soil, those who struggle through the early hardships have every prospect of improving upon the conditions of life they left behind them.

CHARLES NEGLEY,  
Consul.

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EXHIBIT A.

[From the Administrative Law of Brazil, by Veiga Cabral.]

1859.

SEC. 14. *Organization of the general department of public lands.*—The general department of public lands, created by the law of September 18, 1850, has a director general in chief of the department, a superintendent, a superior and two assistant secretaries, and other subordinate employees, the said department being under a minister of the Empire, article 1 of regulation No. 1318 of January 30, 1854.

SEC. 15. *Of the measurement and demarkation of the public lands.*—The general department of public lands is charged with the duty of the measurement, division, and description of the public lands, with their preservation, with the superintendence of the sale and distribution of the same and with the promotion of national and foreign colonization. An organization and regulations having been effected in accordance with the decree issued by the minister of the Empire, May 8, 1854, there were created inspectors of measurements for the districts, in order to measure, demark, and describe the public lands, after a preceding contract had been made with the surveyors, whenever possible. The inspector should run an actual line or a real meridian north and south if practicable; otherwise—that is, when the land does not admit of this method—the inspectors should trace a meridian in other ways known to science. After the proper lines have been traced, measured, and marked out, the inspector-general, having previously published the notices treated of in article 17, Regulations,

January 30, 1854, will form squares approximately equivalent to a square of 6,000 braças or of two leagues on a side, which shall have the name of territories and be divided into twelve equal parts by metes and bounds, according to the form of article 14, Regulation of May 8, of the same year, to the end that the director-general of the department of public lands may propose to the Government the measures laid down in article 14 of the law of September 18, 1850, and article 12, Regulation, January 30, 1854, as well as that the said director, deputies, and inspectors-general may give certified copies of the maps and memoranda to persons who desire information with a view to buying lands.

SEC. 16. *Special department of public lands in the provinces.*—Article 6, Regulations, January 30, 1854, created in the provinces a special department of the public lands lying within the limits of the said provinces. This department is subordinate to the presidents of the provinces and is under the direction of a deputy, a director-general of public lands, and a superintendent, whose duty it is to put into writing all questions pertaining to the public lands, and to furnish to the chief deputy of the general department all the knowledge and information that may be demanded for the good of the service.

SEC. 17. *Legalization and validation of titles to lands.*—Subject to legalization are the following: 1st. Possessions which are found in control of the first occupant, who has no other title than that of occupation. 2nd. Those possessions which, although found in control of a second occupant, have not been acquired by him through a legal title. 3rd. Those which, although in control of the first occupant up to January 30, 1854, have since been alienated against the prohibition of article 11, law of September 18, 1850, which forbids the owners or land who derive their titles by effect of the aforesaid law from hypothecating or alienating the said lands in any manner whatever. The distributions and other concessions of the Government, general or provincial, which are still in control of the first donataries or concessionaries may be made valid, if the lands have been cultivated, or a beginning of cultivation has been made, and the occupants have habitually lived upon them; although the lands have not been measured or marked off, except where these conditions have been dispensed with by competent authority, as well as in the case of lands which have been conceded for the establishment of colonies and have been measured and marked off within the period named in the concession.

SEC. 18. *Practical method of marking out private possessions from the public domain.*—The judge commissioner, appointed by the president of the province, having been presented with a petition of information designating the place in which is located a possession, distribution, or concession from the Government, and the properties bordering on it, will appoint a day upon which the measurement shall commence, summoning by official notice the adjoining land-

holders, and administering an oath to the respective register and surveyor, if they have not yet taken an oath; he will cause to be drawn up the boundary lines, in which proceedings shall appear the posting of the notices and delivery of the letters of summons to the adjoining landowners. This being done he declares the case open for hearing and officially decides the petitions, verbal or written, which are presented to him, and then proceeds to a measurement in the manner laid down in articles 41 to 46, Regulations of June 30, 1854. All questions of doubtful facts, none being excepted, are submitted to the decision of arbitrators; and the judge thereupon renders his decision in regard to the rights of donataries, occupants, and adjoining property holders, from which an appeal lies to the president of the province and from him to the Imperial Government, but without suspension of the measurements. When this is finished he will cause to be drawn up a copy of the papers which remain in the possession of the register, the original being sent to the president of the province, even when there has not occurred the interposition of an appeal; to the end that the president of the province may decide, approving the measurement, if it shall have been regular, or commanding a new measurement to be made, in which event he gives the necessary instructions for the correction of any errors that may have occurred. The papers in the first case are sent to the deputy of the director-general in order that he may give to the occupant, donatary, or concessionary a title to his possession or grant, and when the taxes have been paid into the treasury according to the schedule laid down in article 11, law of September 18, 1850, the titles are signed by the president of the province.

SEC. 19. *Measurement of lands which are in the possession of private persons through whatever legitimate title.*—Possessions originally acquired by occupation, which are not subject to legitimization because they are actually in the possession of private persons under legal title, can, however, be legalized if the proprietors shall seek to obtain title of possession. An order having been issued by the general department of public lands, requiring the municipal judges to measure the lands referred to, and the said judges having proceeded to such measurement in accordance with the existing laws and regulations which give recourse to the judicial authorities, after a decree of measurement is issued and judgment rendered, the proprietors may thereupon solicit from the presidents of the provinces a title to their possessions, and the same will be given in the form prescribed in the foregoing paragraph. The same course must be pursued by possessors of grants, which, although they may not have been measured, are not subject to validation, because they are not in the possession of concessionaries, but in that of another with a legitimate title.

SEC. 20. *Sale of public lands.*—As the measurement and demarkation of the territories into which public lands must be divided become verified, the deputies



of the district of measurement remit to the director-general the maps, together with the respective memoranda and information of all the points, favorable and unfavorable, of the measured territory, and of the values of each square braça, with due regard to the prices fixed in the law; upon view of which the director-general proposes to the Imperial Government the sale of the lands which are not reserved for colonization of the Indians, or for the foundation of settlements, or the opening of roads, or for any other purposes, as sites for public establishments or naval construction; and the Imperial Government having decided that the sale may be made at public auction, and the minimum price fixed, the director-general determines the place and the authorities before whom the sale shall take place, in accordance with the provisions in section 2 of article 14, law of September 18, 1850. The lots which are not sold for want of bidders are afterwards sold when anyone appears who desires them. In this last case the offers should, in the province of Rio de Janeiro, be sent to the national treasury, and in the other provinces of the Empire to the inspectors of the treasury, in order that the sales of the lands referred to may be approved.

SEC. 21. *Public lands situated in those parts of the Empire bordering on foreign countries.*—Within a zone of ten leagues contiguous to the border of the Empire with foreign countries, which zone the Government intends to settle, there shall be established military colonies. The measurement in this case should be made as soon as the locality is determined by the inspectors, and special surveyors should be appointed in order to regulate the extension, which ought to have territories and squares or lots, into which should be divided the intervening territories, the Government determining the number of lots to be gratuitously distributed to colonies and to other settlers, national and foreign, the conditions, and the authorities who shall confer the titles.

SEC. 22. *Preservation of the public lands and the property of others.*—The municipal judges are the protectors of the public lands. Deputies and under-deputies exercise also the functions of protectors in their districts, proceeding ex officio against those who squat upon the public lands or destroy the forests or set fire to them, the process being the same as is employed against trespassers against the municipal ordinances, imposing the penalty of removal, loss of improvements, imprisonment from 2 to 6 months, besides payment for any loss caused. The same penalties apply to those who squat upon the lands of others, unless the trespasser be an adjoining property holder, as in this case only a civil action lies.

SEC. 23. *Registration of lands under possession.*—All possessors of lands, whatever may be the title of their ownership or possession, must register them within the space of six months, one year or two years, counting from the date fixed by the actual minister of the Empire, and in the provinces by the respective

presidents. The declarations for registration should be made in writing by owners; and in the case of minors, Indians, or any corporation, they should be made by their parents, guardians, directors, or trustees for the administration of their lands and chattels, under penalty of being fined by the registrars in their respective parishes, at the end of the first term in \$25, at the end of the second term in \$50, and at the end of the third term in \$100, to be collected by legal process as debts of the national treasury. The vicars of each of the parishes of the Empire are authorized to receive the declarations for registration in duplicate, one serving as a proof of having fulfilled the duty, and the other to constitute the said register. Owners who have made false declarations shall suffer a fine of from \$50 to \$200, and also the penalty of imprisonment from one to three months, according to the gravity of the offense committed. The terms for registration having expired, the respective books are remitted to the deputy of the director-general of public lands, to constitute the general register of lands under possession in each province, and a copy of the same should then be sent to the said director in order to form a general register of lands under possession in the Empire. \* \* \*

SEC. 31. The shore lands, that is, the lands bathed by the sea or navigable rivers extending inland a distance of 15 standard braças, counting from the mean high-water mark, belong also to the nation or the state. Order, L 2, title 26, sec. 15; Instructions, Nov. 14, 1832, article 4; order, June 12, 1833; notice, July 10, 1834, and January 30, 1836.

*Exceptions.*—1. In the term shore lands are not, however, included the banks of fresh-water rivers which are beyond the reach of the tides, even though navigable; nor the margins of estuaries or inlets, whether of fresh or salt water, whether subject to the tides or not, which have been introduced and embraced within plantations, country seats, or any other private property, and which are of no public service. It is proper in this case to include in the measurement for the quit rent the extent only of the mouths of the estuaries and inlets which are upon the sea coast or rivers in which the tides ordinarily rise. Order, August 20, 1835. 2. Likewise, any casual or artificial increase to the 15 braças, counting from the mean high-water mark, is not considered shore lands. It follows from this that the holders of shore lands are absolutely prohibited, under penalty of the law, from working or exclusively using the land which in any way is added to their possessions, unless they have a concession from a competent authority. Notice, No. 42, Feb. 3, 1852.

SEC. 32. *The measurement and demarkation of shore lands and their classification.*—The Instructions of November 14, 1832, divide shore lands into three classes, to be known as follows: First, those which should be reserved for public ways; second, those which have been conceded to private persons or

occupied by them without a concession; third, those which are still wild are required to be certified, measured, and marked out by the inspector of public works in the capital, with the aid of an officer of the engineers, a superintendent of the provincial treasury, besides the special employé in this work, and by the attorney of the municipal chamber, who should assist in the measurement and demarkation of lands of the first class, the concessionaries and owners being invited to a measurement of those of the second class, and to those of the third class those who intend to secure them; the assessment of the lands of the second and third class is at once proceeded with for a quit-rent tax at the rate of  $2\frac{1}{2}$  per cent on the valuation price, which should be imposed by the superintendent of the provincial treasury immediately upon the conclusion of the proceedings to this end; there is an appeal only to the president of the national treasury. In the other cities and coast towns of the Empire the proceedings should be according to the form of the above-mentioned instruction, where they are applicable; and to this end the appearance of the inspector of public works, and even that of the official engineer, where there is none, may be dispensed with, all questions which arise being decided by the treasuries of the respective provinces.

SEC. 33. *By whom a quit rent of the shore lands may be conceded.*—At the capital it is competent for the minister of the treasury, and in the provinces for the several presidents, to concede quit rents of shore lands, upon the completion of the proceedings described in the foregoing section, it not being proper to deed those portions of the lands which are for public ways. Law, No. 15, 1831; notice of October 20, 1832; notice, No. 126, November 25, 1864; preference being given not only to those who put up establishments for free embarkation or disembarkation, or to those who are found in peaceful possession, on the supposition that the lands belong to them and form a part of their properties, when they shall have paid the quit rent that may have been determined for them, but also to those who shall have rented such lands to one or more persons, in all or in part, in order that such tenants may be preferred, whether they have built upon or otherwise improved the lands so rented. Order, January 30, 1836, article 1; order No. 173, May 31, 1851; order, No. 250, November 15, 1852, and No. 226, October 19, 1853.

SEC. 34. *The woods and timber on the coast line.*—The woods and forests which are not owned by private persons, and which are wild or unappropriated, belong to the state. Order, L 4, title 43, section 9. These should be preserved, the hindering of the cutting of the trees having been provided by law. Law of October 15, 1827, article 5, section 12; notice of January 19; law of October 15, 1827, article 5, section 12; notice of January 19, 1833, November 18, 1834, and August 7, 1835; but these notices being insufficient because they contain only partial and very limited provisions, it would be desirable that laws

should be promulgated that would conciliate public interest, which demands the preservation of forests, with the right of private ownership, which in turn claims a free control of the same.

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EXHIBIT B.

NEW REGULATIONS FOR THE SERVICE OF THE INTRODUCTION AND ESTABLISHMENT  
OF IMMIGRANTS IN THE REPUBLIC.

*Immigration.*

(SIR: One of the most palpable necessities which invite attention in order to encourage the expansion of the productive forces of the Republic is, without doubt, the development of European immigration, which it will be possible to secure only by means of arrangements which guarantee the establishment of a current of industrious and moral immigrants, assuring to them the assistance and funds necessary for their convenient location.

The Government has been solicitous to provide that the immigrants meet with a favorable reception, so that they may not repent having directed their steps toward our hospitable country; affording to them for this purpose the necessary location and all the means which, according to existing laws, it has in its power, in order that they may be duly accommodated.

At the same time, by means of adequate measures, the fulfillment of existing contracts has been enforced for the transportation of immigrants destined for this country.)

There do not, in the meantime, appear to be sufficient provisions, and with the object of completing them and putting into execution one of the most important features of the administrative program of the department under my charge, I have arranged the plan of reform which I now lay before you, in which I have called attention, in the way most convenient, to the interests of that service, which are at the same time those of the Republic, being convinced that its prompt execution will operate efficaciously, so that in a short time an abundant stream of immigration will come to transform the conditions of our agricultural industries and develop the riches of our vast territory.

My plan of reform embraces two branches of the service, making provisions under each and binding closer the relations which they have with each other. In the first part the measures refer to the conditions which the immigrants must fulfill in order to enjoy the favors which are promised to them by the Government. It establishes rules to insure the effectiveness of these favors and of other aids to be given them. Their welfare in the Republic and during the voyage is considered, there having been instituted a reward of 100,000 francs to each one

of the steamship companies that shall transport during the year 10,000 immigrants without having incurred censure for any fault whatever, not only in relation to the treatment of the immigrants themselves, but also in regard to their baggage. And to this end the conditions are made on which the State takes charge of the return of anyone to his country, conceding in that case to those returning sufficient assistance for their necessary expenses on the way back to their native land.

In the second part attention is given to the location of immigrants, providing not only for the alienation of agricultural holdings by means of premiums and grants to the proprietors, according to the character of the holdings, but for the foundation of special colonies, where the subsidized railroads—those with a guarantee of interest—uniting them to centers of consumption or to points of export, constitute a powerful factor, which, with the other assistance given, assures them an advantageous egress, with a real profit to the immigrants who shall be thus located.

In other provisions proper protection is secured for the interests of immigrants who, during a long period, have enjoyed the protection of the authorities of the Republic, and who thus find in the colonies established by the State a definite location in cases in which for any reason it is not agreeable to them to remain in particular establishments.

Such are, in conclusion, the principal points of the immigration service, which I have the honor to submit for your distinguished consideration.

FRANCISCO GLICERIO.

FEDERAL CAPITAL, 28th of June, 1890.

The regulations are as follows :

## PART FIRST.

### CHAPTER I.—*Of the introduction of immigrants.*

ARTICLE 1. The entrance to the ports of the Republic is entirely free to persons, sound and suitable for work, who are not subject to a criminal action in their own country, excepting the natives of Asia or of Africa, who only can be admitted by an act of the National Congress in accordance with the conditions therein stipulated.\*

ART. 2. The diplomatic and consular agents of the United States of Brazil will prevent by every means in their power the introduction of immigrants from those continents, communicating immediately to the Federal Government by telegraph whenever they shall not be able to avoid it.

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\* By a recent act of the Brazilian Congress immigration from China is provided for and a treaty authorized to be made with Japan for a similar purpose.

ART. 3. The police of the ports of the Republic will prevent the landing of such persons, as well as of beggars and the destitute.

ART. 4. Commanders of vessels who shall bring persons referred to in the preceding articles shall be subject to a fine of from \$2,000 to \$5,000, losing the privileges which they enjoy, in case of repetition.

ART. 5. The whole or a part of the passage money shall be charged to the Federal Government only in the following cases:

1. To families of agriculturists, limited to their respective heads, or their parents, or persons of more than 50 years of age.

2. Single males of more than 18 years of age and less than 50 years, provided they have been agricultural laborers.

3. Operatives of the mechanical or industrial arts, artisans, and persons who intend to become domestic servants, whose ages shall be embraced within the limits of the foregoing paragraph.

4. Persons infirm, or with physical defects, shall have gratuitous passage only in case they belong to some family which has not less than two sound individuals.

ART. 6. In the contracts for the transportation of immigrants there shall be a maximum limit of 50 per cent of the total number of persons embraced in classes No. 2 and 3 of article 5, the maximum proportion of the former to the latter being 33 per cent.

ART. 7. The State will concede to maritime transportation companies who desire it a subvention of 120 francs for the passage of each adult immigrant whom they transport to the ports of the Republic, and proportionally at the rate of one-half of that sum for minors from 12 to 8 years, inclusive, and a quarter part from that age to 3, provided that the said companies bind themselves to fulfill the provisions contained in this decree, and not to receive from immigrants more than the difference between the above-cited amount and the entire price of passage, which they should prove by declarations signed by them, to be verified upon their arrival here.

ART. 8. All immigrants who shall be introduced in virtue of contracts must have an attestation from the consular agent of the Republic resident at the port of departure, in which shall be specified the name, age, estate, and occupation, as well also as the relationship of the persons who compose each family.

ART. 9. No immigrant shall have the benefit of Art. No. 5 unless he declare expressly what occupation he intends to engage in on his arrival in the Republic; and those who intend to engage in agriculture can only claim from the Government transportation to their point of destination and to their respective location in some colony of their choice, where they shall have the assistance and favor which all the immigrants there enjoy according to this decree.

Workmen, mechanics, laborers, etc., will likewise sign a declaration that in consideration of their location they will solicit no favor of the Government or of the local authorities, besides their protection, after transportation to the localities where they desire to establish themselves. All these declarations, which should be made before a consular agent and by him authenticated, shall remain in the archives of the office of the inspector-general of lands and colonization.

ART. 10. The immigrants specially indicated, or those who shall be sought for the service of private establishments, can not have the privileges of Art. No. 5 unless a declaration be previously made, signed by the parties who shall invite or solicit them, obligating themselves to furnish the assistance necessary for their maintenance until they shall be able to obtain work.

These documents, which shall also be filed in the archives of the office of the inspector-general of lands and colonization, render their authors responsible in default of the fulfillment of their obligations.

ART. 11. The proprietors of farming lands, also banks, companies, or private organizers of colonies who desire to receive immigrants, must present to the inspector-general of lands and colonization their respective petitions, indicating the number of persons or families they desire, their respective nationalities, as well as the inducements they offer for the kind of service which shall be indicated.

A copy of this petition shall be attached to the contract of transportation, which shall be translated into the language of the country to which the immigrants belong, the amount of wages offered being given in the currency of that country.

This document, made in duplicate, shall be signed by the immigrant, with the declaration that he accepts the conditions proposed. One copy shall be delivered to him and the other presented to the inspector of lands and colonization at the time of his arrival.

ART. 12. The immigrants shall remain under the special protection of the Government and of the inspectors general and subordinate of lands and colonization during the first six months which shall elapse after their arrival. Those who are placed on private establishments, and those who wish to be transferred to private colonies or those of the State, may do so within that period, subject to the regulations in article No. 5. So also those who remain in the coast cities of the Republic may ask during the same period for transfer to any other point reached by regular communication by sea, river, or land.

ART. 13. Complaints made by immigrants shall be taken into consideration only during this period, it being necessary for the inspector-general of lands and colonization, for special inspectors or official agents of colonization or immigration, in the places where these functionaries may be, and, finally, for the heads of

municipalities, intendencies, or of corporations elected by the people which have been created to take the place of the ancient municipal boards, to verify the allegations of the complaints, to institute such inquiries as may be necessary, giving due information to the minister of agriculture through the governors, when the complaint is made directly to the officers of the State, or through the inspector-general of lands and colonization, when the inquiry is made by his authority; it being obligatory upon the officers referred to to put in an appearance in the proceedings of complaint.

ART. 14. The proprietor or manager of a private establishment, who shall be convicted of having failed in his contracts made with immigrants, shall be compelled to fulfill them by legal means and shall lose his right of securing immigrants through the intervention of the State for a period of from six months to two years, according to the circumstances of the case.

ART. 15. Contractors for the transportation of immigrants shall be subject to fines laid down in their respective contracts, if, upon investigation, which shall be proceeded with according to the form given in preceding articles, it shall be proved after their arrival that the immigrants in regard to whom inquiry is made are not agriculturists.

In the case of contracts failing to mention the fine, it shall be equal to one-half the price of the passage of an entire family, or the entire passage of an immigrant, if he come alone.

ART. 16. Navigation companies which shall have transported during the year 10,000 immigrants at least shall be entitled to a reward of 100,000 francs, unless there shall be some complaint in regard to the baggage or of the treatment of the said immigrants.

ART. 17. The following only shall be entitled to be returned to their native country at the expense of the State:

1. Widows and orphans who have lost their husbands or parents within one year after their arrival in the ports of the Republic.
2. Immigrants who shall be disabled in consequence of some accident incurred in the service in which they shall be engaged, provided they have not yet resided one year in the Republic.

Immigrants who come under these conditions shall receive, when they shall ask for aid beyond the necessary passage, from \$50 to \$160, according to the number of persons in the family, for the expenses of the voyage to the point of departure.

These provisions shall apply only to those immigrants who have been introduced into the country and their passage paid by the State.

ART. 18. The governors will take necessary steps with a view to protect im-



migrants of good morals and laborious against any speculation whatever in their respective States.

ART. 19. All complaints with regard to baggage should be made to the inspector-general of lands and colonization, whose duty it is to adopt necessary measures in order that the same may arrive at their destinations with their respective owners.

## PART SECOND.

### CHAPTER II.—*Of proprietors of agricultural lands.*

ART. 20. Every proprietor of land who desires to locate European immigrants on his property shall have the right to the favors contained in this decree, whenever he shall have fulfilled the conditions therein stipulated.

ART. 21. Proprietors intending to locate immigrants must be inscribed in the register to which reference is made in decree No. 451 B. of the 31st of May last, and must not have less than 500 hectares of uncultivated land or 300 hectares if cultivated.

The distance of the location from the centers of consumption or from a station of the nearest railroad must not exceed 13,200 meters, counting from the center of the property.

ART. 22. The properties must be described in a memorial containing precise information in regard to the quality of the land, the salubrity of the climate, and their suitability for cultivation, the courses of the streams which water them, as well as the kind of tillage to which they are adapted.

Also, whenever describing properties already under cultivation, the estates which they already contain should be mentioned, as well as the buildings, machinery, and apparatus which they possess for the handling of the products of the soil.

ART. 23. Properties should be divided into lots conveniently provided with water and with some wood for domestic purposes.

In uncultivated properties the areas of the lots must be 15 hectares; in those already cultivated the lots should contain 5 hectares at least, and have not less than half their area already under cultivation.

The lots should have the necessary roads for communication between themselves and with existing highways or with those projected.

### CHAPTER III.—*Of the sale of lots and the mode of payment—Assistance to immigrants—Titles of properties.*

ART. 24. Lots containing a temporary house in value not less than (200\$000) two hundred milreis, constructed according to a plan approved by the Government, shall be sold to immigrants with families at a maximum price of 25\$000

per hectare, when uncultivated, or 50,000 when cultivated. In these prices the cost of the temporary house is not included.

The payment shall be made by annual installments counting from the first day of the second year of the term, which shall not be less than 10 years, there being added to the amount of each installment interest which shall never exceed 9 per cent. per annum.

ART. 25. Proprietors shall advance to immigrants who have been located on their premises tools, seeds, etc., as well as the necessary means of subsistence for them and their families, for the period of nine months, during which they shall not have received the results of their tillage of the soil. The amount of these advances shall be added to the value of the lot, which, with all the improvements, shall be mortgaged to the proprietor until the final payment.

ART. 26. The immigrant shall receive at the time of his establishment a provisional title to his property, in which shall be inserted, with the price of the lot, the advances which he has received. In the same title shall also be inscribed the payments which shall be made. As soon as the payments due from the immigrant have been concluded, this title shall be exchanged for another of a definite character, and he shall be entitled to all the advantages established by the aforesaid decree No. 451 B. of the 31st of May.

#### CHAPTER IV.—*Of default in payment, and abandonment of lots—Transfers—Appraisement of improvements.*

ART. 27. In case of delay in payments for more than two successive years, the proprietor shall have the right to demand the vacation of the lot, paying the immigrant for the improvements which have been made and one-half the installments already paid in, after deducting from this amount what is due him for advances made.

ART. 28. In case of abandonment of the lot before payment is completed, the immigrant shall have no right to indemnity of any kind.

ART. 29. It is allowable for an immigrant to transfer his lot, provided the proprietor agrees to this.

ART. 30. In case of disagreement as to the appraisal of existing improvements to the lots, a justice of the peace in the district where the property may be, shall nominate a referee, who shall decide upon the merits of the case.

#### CHAPTER V.—*Of favors conceded by the state.*

ART. 31. All proprietors and enterprises that shall satisfy the conditions indicated in the preceding articles shall have the right to receive from the state the following favors, in the proportion given, according to the category in which the respective properties shall be classified.

ART. 32. There are three lists of properties to which the preceding article refers.

ART. 33. In the first category belong properties in a state of cultivation upon which can be established at least 50 families.

To the second category belong properties in the condition mentioned, which shall be able to accommodate 200 families at least, and already possessing good roads into their interiors, and with communications with markets of consumption or with a station of some railroad or with maritime ports or navigable rivers, as well as factories and machinery for handling of the products of the soil.

To the third class belong large estates of any kind, central mills, factories of any kind to which belong lands already cultivated or uncultivated upon which may be accommodated not less than 500 families of farm laborers, and which have fulfilled the conditions established for those of the second class. And in general those territories acquired by companies organized for the improvement of the wild lands of the Union, being obliged to fulfill also the conditions of article 23 in regard to locations for at least that number of families, and to establish mills and factories necessary for the handling and utilization of the products of the soil and raw materials, as well as schoolhouses and infirmaries.

ART. 34. The favors to which the properties embraced in class second have a right consist of a premium of 200\$ for each family located, as well as 250\$ for each provisional house. The properties embraced in class second shall have, in addition to the foregoing favors, the sum of 1,500\$ per kilometer of road which may become necessary in order to unite the headquarters of the property with the nearest railroad station or a center of consumption.

The properties of class third shall have not only the favors already mentioned in regard to the first two, but also a bonus of 800\$ for the construction of internal roads, as well as a concession of wild lands which shall be sufficient for the establishment of double the minimum number of families required by the terms of article 14.

If the governor deem it expedient, he may grant a subsidy for the construction of a road uniting the headquarters with the nearest railroad station or center of consumption, or river or maritime post (this subsidy to take the place of the guarantee of interest of 6 per cent on the maximum price of 15,000\$ per kilometer of subdivided railroad during the term of 20 years), according to the conditions which may be established.

ART. 35. A proprietor who has regularly located on his property 100 families shall receive a bonus of 5,000\$. This reward shall be repeated as often and in proportion as the aforesaid conditions shall be fulfilled, the respective payments being made after due verification has been made.

CHAPTER VI.—*Of making effective the favors. The manner of payment.*

ART. 36. The property once classed, the premiums relative to the provisional houses and localization shall be paid in the proportion in which the immigrants may be established by groups, never less than 10 families, 90 days after the establishment of the last family, on sight of the attestation of the proper authority, declaring that the families are duly located and installed in the provisional houses of the type adopted.

In the same proportion will be made the payment of the contributions for the construction of the interior roads, on sight of the measurements made on the general plat of the property and of the lots occupied.

The payment of the subsidy granted for highways will be paid on sight of approved designs after the establishment of one-quarter of the number of families which the property should contain.

ART. 37. Whenever one or more families for whom the respective premiums have already been paid shall retire, the proprietor must communicate with the official mentioned, in order that those who leave may not receive new favors on some other property.

In subsequent payments abatement will be made of the value of the temporary house standing on an abandoned lot.

CHAPTER VII.—*Of the qualifications of proprietors for receiving the favors mentioned.*

ART. 38. Proprietors who desire to receive the favors designated in this decree should present to the inspector-general of lands and colonization their petitions, drawn up in conformity with articles 1, 2, and 3, accompanied by a plan of the property.

ART. 39. After the necessary proceedings have been taken the request will be presented to the minister, who, in a dispatch, will declare whether the property is accepted and to what class it will belong, the said property entering immediately upon the enjoyment of the favors which belong to it, it being understood that the proprietor subjects himself to the provisions of this decree.

ART. 40. Those intending to organize companies according to the form at the end of the last part of article 15, should furnish with their petitions documents to prove their capacity and the resources with which their prospectuses are to be carried out.

After the answers to their petitions, they should, within the space of one year at the most, effect a measurement of the lands which have been conceded to them, the respective amount, at the rate of 1\$033 per hectare, in conformity

with the terms of the concession, being covered into the public treasury or the treasury of the state.

ART. 41. Only after the fulfillment of this formality shall the concessionary be able to receive further favors.

#### CHAPTER VIII.—*General provisions.*

ART. 42. Besides the total number of immigrant families which may be located, there may be admitted 25 per cent of natives, provided they are moral, industrious, and adapted to agricultural service, and they shall have the right to the same favors as have been conceded to the former.

ART. 43. As to all the rest, relative to the furnishing of immigrants, the provisions of the present decree are to be observed.

Hall of Assembly of the Provisional Government of the United States of Brazil, 28th of June, 1890, 2nd of the Republic.

MANUEL DEODORA DA FONSECA.

FRANCISCO GLICERIO.

#### EXHIBIT C.

[Extract from newspaper Federação, of Porto Alegre, of the 25th of February, 1891.]

#### DEPARTMENT OF AGRICULTURE AND PUBLIC WORKS.

No. 109. Act of 14th of February, 1891, treating of the disappropriation of lands along railways, public highways, and rivers, required for the founding of agricultural establishments.

The governor of the State of Rio Grande do Sul, considering that it behooves the administration to promote all measures in its power, not only for the benefit of the citizens, but also to increase the public wealth:

Considering that of all the sources of revenue, agriculture is the most desirable to develop, as it amply repays the efforts put forth and increases commerce and industry:

Considering that large properties are becoming scarce, and that it is expedient to prepare the population of the "campanha" for the agriculture which will become in the near future its principal occupation, on account of the impossibility of continuing to otherwise develop a paying industry:

Considering that the founding of agricultural establishments, serving as models and conveniently distributed, will largely contribute to this reform;

Considering, finally, that lands along railways, highways, and rivers are the most suitable for agriculture, on account of the facilities they offer for the trans-

portation of products and because they return a reasonable revenue and render their maintenance less burdensome to the State,

Therefore be it resolved:

ARTICLE 1. A piece of land two kilometers in width on each side of the railways, highways, and navigable rivers, or rivers susceptible of being made navigable, will be disappropriated according to the terms of law No. 650, of the 9th of December, 1867, for improvements, on condition such land is suitable for agriculture and is to be occupied for this purpose.

ART. 2. Proprietors of lands referred to in article 1 must declare whether they intend to divide and settle their land in accordance with the provisions of this act and any instructions that may be issued.

ART. 3. The State government can itself effect the disappropriation, division, and peopling of said lands, or have same done by its agents.

ART. 4. When the State government does not itself make the disappropriation, but intrusts it to others, the following enterprises will be preferred:

A. The railway crossing the lands in question.

B. Undertakings organized to colonize lands along railways in the State or Union.

C. Undertakings organized to colonize lands along highways, if they accept the conditions stipulated by the Government.

D. Undertakings organized for the improvement of rivers in order to allow free navigation, if they accept the conditions stipulated by the State government.

ART. 5. Enterprises desirous of taking advantage of this act must send in a petition to the government of the State, asking for advertisements to be published for the owners of the lands referred to in article 1 to present within the space of sixty days the declaration mentioned in article 2.

ART. 6. Parties and enterprises proposing to divide and populate the lands treated of in article 1, in accordance with the dispositions of this act and other instructions that may be issued, must have at least one-half of the area populated within three years, counting from the end of the space of time referred to in article 5; and if this be not done, they must deliver to the State or the former proprietors all land not occupied and suitable for cultivation, at the price of the disappropriation, and said proprietors are hereby bound to receive back the lands disappropriated.

ART. 7. The piece of land disappropriated will be divided into agricultural districts and then into homesteads.

ART. 8. One individual will not be permitted under any circumstances to hold more than two homesteads, and the sale of more than two homesteads to the same individual will be of no effect. The former proprietor is, however, excepted, he being entitled to four homesteads for each league of land constituting

his property; and also the colonizing companies, who must reserve from ten to twenty homesteads in the center of each agricultural district, or in some place conveniently located near the center, for model farms.

ART. 9. The State itself, or its representative, will give to those who propose to cultivate the land a free passage to the homestead, and will furnish seeds and the necessary tools for cultivation, and will construct a house, all of which, excepting the passage, will be included in the value of the homestead, the payment to be made within never less than six years, with interest not to exceed 5 per cent per annum.

ART. 10. The occupant is obliged to live on and cultivate the homestead, failing which he will lose his right over it, and to any improvements he may have made on the land; but his animals and domestic utensils shall remain his property.

ART. 11. During two years, counting from the taking up of the homestead, the occupant shall be exempt from payment of taxes, both municipal and State.

ART. 12. The occupant can not transfer the homestead before it is paid for, except by the written consent of the former proprietor.

ART. 13. The Superintendent of Agriculture and Public Works will formulate the instructions regulating the dispositions of the present act.

ART. 14. All contrary provisions are hereby repealed.

JOÃO JOSÉ PEREIRA PAROLÉ.

PALACE OF THE GOVERNMENT, *Porto Alegre*, Feb. 14th, 1891.

General of Division Candido Costa,

Bull. 53—4

## Chile.

According to the information furnished by Mr. William B. McCreery, late United States consul at Valparaiso, and by Mr. Frederick A. Beelen, consul of Chile at New York, no laws of a general character have been enacted in Chile regulating immigration and colonization, and the sale and settlement of public lands. The whole subject is within the jurisdiction of the Department of Foreign Relations, Worship, and Colonization, under whose immediate supervision contracts are made for the introduction of colonists, and the public domain is disposed of according to such rules and provisions as may be deemed proper in each case.

Foreign immigration has been wished for and promoted and encouraged in Chile no less than in all other Republics of the American hemisphere, but the efforts made have not been accompanied with the same success. Some immigrants, chiefly from France, Italy, and Spain, have been brought to Chile through special agencies for that purpose created in different places in Europe, but for some reason or other the operation of these agencies did not prove satisfactory and the Government decided to abolish them.

Colonists, however, are welcomed to the Republic and received with liberality and that fairness and spirit of justice which are characteristic in the administration of the Government there. Colonists arriving in the country, intending to engage in agriculture, are provided with lands, animals, and other things necessary, in the following way: Each head of a family is given 100 acres of land, and each one of his sons, if over 12 years of age, receives an additional 50 acres. They are provided also with seeds and a yoke of oxen. All the expenses incurred by them until the moment in



which possession of their farm is given to them are paid by the Government, which also allows them \$15 every month for one year. Each family is furthermore given 150 boards and 46 pounds of nails to help in building its house.

Colonists must pay back to the Government within five years, without interest, the amount they have received. At the end of the five years, all payments being made, a deed conveying in fee simple to the colonist the absolute ownership of his farm is executed in his favor and delivered to him.

A large portion of the public lands of Chile has not as yet been surveyed or even explored. With the exception of some good land in Aranco, to the extent, perhaps, of 2,000,000 acres, the public domain lies between the forty-fifth southern parallel and Cape Horn. This area exhibits, as far as is known, a great variety of soil and climate. In the northern part cereals, vegetables, and hardy plants can be cultivated with success, but in the extreme southern part probably nothing but sheep-raising will be possible. As far as health is concerned, Consul Beelen states that the central provinces of the Republic, between Aconchagua and Colchagua, are perhaps the healthiest countries in the world, while all the others in this respect leave little to be desired.

The public lands of Chile are sold at public auction, at irregular intervals, and at prices which vary greatly according to the location. In some cases the price is as low as 5 cents per hectare, but in other cases it goes as high as \$5,000 per hectare. The lands surrounding the Chilean colonies already established reached at public auction in 1885 the average price of \$38.50 per hectare.

In many cases the lands are not sold by the Government, but merely leased.

No limit has ever been fixed by law to the amount of lands that can be acquired at one time, but generally no more than 100 acres are sold to one colonist. No difference is made between aliens and citizens, and all lands, whether arable, mining, or timber lands, etc., follow the same rule.

## Colombia.

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Colombia, as is known, was a federal republic until 1886, when a new constitution was adopted, abolishing the federal system and converting the states into provinces, called departments, with governors appointed by the president of the Republic and legislative assemblies elected by the people.

There seems to have been no legislation, either previous or subsequent to that reform, enacted by the General Government relative to immigration or colonization. The matter appears to have been under the exclusive control of the States, now departments, and even these, with perhaps the single exception of the Department of Panamá, have devoted but little attention to the subject.

The learned Señor Don Clímaco Calderón, consul-general of Colombia at New York and one of the three delegates who represented that Republic in the International American Conference, confined himself, in his answer to the inquiries made to him on this subject by the Bureau of American Republics, to the following statements:

I beg to reply to your letter dated the 31st ultimo.

The Government of Colombia does not offer special inducements to immigration. Bona fide immigrants are allowed in Colombia 25 hectares of public land and the importation, duty free, of all the implements and tools of their trade and profession; but otherwise they are not helped by the Government.

In the Department of Panamá the condition of things seems to be somewhat different, as appears from the report of Mr. Thomas

Adamson, consul-general at the city of that name, which reads as follows :

## UNITED STATES CONSULATE-GENERAL,

*Panamá, April 8, 1891.*

In the Department (formerly the State) of Panamá, the public lands can not be obtained by purchase, but are given gratuitously to actual cultivators, in accordance with the terms of Article 1 of Law 61 of 1874, viz :

“Every person who occupies uncultivated land belonging to the nation, to which no especial application has been given by law, and who establishes thereon his dwelling and agricultural pursuits, acquires the right of property in the land which he cultivates, whatever may be its extent.”

If the colonist establishes on vacant public lands pasture grounds for cattle and plantations of cacao, coffee, sugar-cane, or any other class of permanent plantation, he is entitled to have awarded to him gratuitously an adjoining piece of ground of equal extent to the part cultivated.

The cultivators who abandon the lands conceded to them by this law for a term of four years will lose their right to such lands, which will return to the possession of the Government.

The officers of the Government have no official statistics showing the extent of the unoccupied territory of the Department of Panamá, but it is probably much within bounds to estimate it at twelve millions of acres.

A large proportion of the country is mountainous, but there are very fine plains in the western part of the isthmus, on both sides of the mountain range, and many fine valleys between the hills and mountains.

There is no limit to the amount of land that may be acquired by settlement and cultivation.

There are no preëmption or homestead laws in this district.

There is no distinction made in the manner of acquiring property by settlement, whether the same be timber or agricultural lands. The acquisition of property in mineral lands is governed by special laws and the extent of mining right that may be acquired from the Government gratuitously is limited to a rectangle of 1,800 meters by 240 meters on a vein; and, on alluvion, to either a square of three kilometers or a rectangle of five by two kilometers.

There is no price or recognized value for public lands here. Aliens may acquire the vacant lands of the Government on precisely the same terms as native citizens, namely, by settlement and cultivation.

No attempts have been or are being made by the Federal Government or provincial authorities to encourage immigration into this Department and there is no immigration here.

## Costa Rica.

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The importance of the problem of immigration and colonization has been recognized in Costa Rica with not less earnestness and good will than in any other of the nations of the New World, and both the people and the Government of that interesting and progressive country have tried, with liberality as well as prudence and good judgment, to give to it satisfactory solution. The Costa Rican nation has thoroughly understood that the full development of its wonderful resources depends upon the increase of its population by means of a regular and steady current of immigration, and has made, and continues to make, all efforts within her means to increase the number of her working people, and add thereby to the productive forces of the country.

Bulletin No. 31 of the American Republics says:

Costa Rica, by reason of her geographical position, her climate, her institutions, the character of her people, the nature of her productions, the short distance at which she finds herself from all the great centers of civilization of the world, and the hearty welcome which her inhabitants give all foreigners, affords inducements greater than other nations for foreign capital and labor to come to her territory and aid in the development of such wealth and prosperity, as it is difficult to describe.

The constitution of the country, which is republican in the true sense of the word, and the character of the people, who abhor revolution and are law-abiding and intelligent to the greatest degree, facilitate considerably the efforts of the Government in bringing immigrants and increasing in this way the population and the wealth of the country.

Constitutional guaranties and protection to life and property are always in Costa Rica a practical truth, and the immigrant, who soon knows this by experience, and is received and treated everywhere with the greatest cordiality, never fails to become attached to the country and identify himself with its interests.

Article 12 of the constitution reads as follows:

Foreigners shall enjoy throughout the whole territory of the Republic exactly the same civil rights as the Costa Rican citizens. They shall be allowed to exercise their respective industrial occupations, or engage in commercial business; to own and hold real estate, or purchase or sell it; to navigate the rivers and along the coasts of the Republic; to freely practice their religion; to dispose of their property by will, and to contract marriage according to law. They shall not be compelled to become Costa Rican citizens, nor shall they be subject to forced extraordinary taxation.

All men are free and equal before the law. No restriction can be placed on the absolute freedom of the inhabitants to move from one place of the Republic to another, or to leave it, if free from responsibilities which under the law require their actual presence.

Laws have no retroactive effect.

Private property can not be taken except for public use duly recognized and proven, and then the owner must be paid previously not only the full value of what is taken, but also the damages which the deprivation thereof causes him to sustain. In case of war the payment of the indemnification is not required to be previously made.

The house of every inhabitant of the Republic is inviolable, and in no case can his private papers be taken or examined. The secrecy of private correspondence, either by mail or telegraph, is absolutely guaranteed, and no intercepted letter or message can ever be used in evidence.

All the inhabitants of the Republic have the right to meet, peacefully and without arms, either to discuss private matters, or to take action on political subjects, or examine the public conduct of the Government functionaries.

Justice is administered in Costa Rica by a well-organized system of courts and tribunals, and under written laws as wise and well suited to the necessities of the people and the requirements of civilization as those of the most advanced nations. Capital punishment can not be inflicted. The penalty of confiscation of property can not be decreed for any offense. No person can be tried by commissioners, or extraordinary courts, nor for acts or deeds not expressly forbidden by law.

No one can be compelled to testify against himself, nor can husband or wife be allowed to be a witness against the other. The same prohibition exists in regard to relations within the third degree of consanguinity or the second of affinity.

Individual liberty is guaranteed by the writ of habeas corpus. There is no imprisonment for debt. Trial by jury is established for criminal cases.

The naturalization laws are very liberal. Aliens can become Costa Rican citizens, if they so desire, by proving before the competent authority the three following circumstances, to wit: First, that they are of full legal age under the laws of Costa Rica; second, that they have an occupation, trade, or profession, or enjoy sufficient revenue to support themselves; third, that they have resided within the territory of Costa Rica for at least one year, and are of good moral conduct.

Applicants for admission to citizenship must file their petition to that effect before the secretary of foreign relations, who will refer it to the governor of the province or *comarca* where the applicant lives. He will make an investigation of the three points above stated required by law, by examining at least three witnesses. Upon his report and the record of their investigation the secretary of foreign relations will grant or refuse the petition. If granted, letters of naturalization (*carta de naturalización*) will be issued by the President, and the decree, whether granting or refusing the admission to citizenship, will be published in the official *Gaceta*.

Article 13 of the aliens and naturalization act of 1886, which is the law in force on the subject, provides that naturalized citizens have the same rights as the native-born citizens to the protection of the Government.

One interesting fact in connection with this matter, which places Costa Rica in a light highly creditable to her really republican policy, is that the Costa Rican congress, by a law passed on the 13th of May, 1889, refused to approve a provision authorizing the Executive to expel from the Costa Rican territory, or not to allow to land on it, foreigners who for any reason might be deemed pernicious. The Costa Rican congress passed over the President's veto a law refusing to approve that provision, on the ground that it was in violation of articles 12 and 42 of the constitution of the Republic.

The above cited Hand Book of Costa Rica (Bulletin No. 31 of the Bureau of the American Republics) contains the following:

Foreigners as well as natives may acquire real estate, and public lands are granted to them without distinction, either by preëmption methods, or by sale at public auction.

By preëmption methods natives and foreigners can acquire the ownership of tracts of land of no less than 50 hectares, or 80 acres, by merely fencing them and giving notice to the local authority that it is their intention to put them under cultivation. If this cultivation is actually carried on for two years, during which the settlers can not be disturbed in the possession of the land, the proper patent will be issued in their favor. The patentees may then, if they so wish, take possession of another tract of land of 50 hectares, and fence it, etc., on the same terms and conditions as before; and so on indefinitely.

But if the tract of land is not cultivated, or not cultivated to the extent and in the serious way contemplated by the law, then it will be open again to settlement, and other parties may acquire them on the same conditions; the new settlers, however, are required to pay their predecessors a fair compensation for all the improvements, whatever they may be, which they may have made on the property.

At public auction foreigners and natives can acquire the ownership of tracts of public land, not exceeding 600 hectares for each person, by filing a petition requesting the commissioner of the land office to cause the tract of land which

they desire to be advertised for sale, the petitioners having the privilege of purchasing the land at the highest price brought at auction. The lowest admissible bid is \$5 per hectare of prairie lands; \$4 per hectare of wooded lands, containing India-rubber trees, vanilla, dye woods, etc.; \$3 per hectare of wooded lands not having those trees, and \$2 per hectare of marshy, stony, or barren lands.

But if these lands happen to be situated at a distance greater than 15 miles from a town of 3,000 inhabitants, or from the track of a railroad, the prices above named will be reduced to one-half. If the distance is between 30 and 60 miles, the price will be reduced to one-fourth; and if it is greater than 60 miles, the price will be one-eighth of the regular one above given.

The price can be paid, at the purchaser's option, either in cash or within ten years. If the latter method is adopted, interest at 6 per cent, to be paid annually, will be added. But if at any time the purchaser can prove, by sufficient evidence, that the improvements made by him on the land thus purchased are worth twice as much as the amount of the interest still due, he will be exempted from paying the interest. And if the improvements prove to be worth twice as much as the price to be paid for the land under the terms of sale, the purchaser will be exempted from paying said price.

For the purpose of furthering immigration, the following concessions have been made:

#### THE SAN BERNARDO DE TALAMANCA COLONY.

Persons desiring to settle in this locality are entitled, upon entering their names at the registry for that purpose kept at the proper office in San José, first, to free passage for them, their families, effects, and domestic animals, by rail to the port of Limon, and thence by sea to Old Harbor, and from there on horseback (six hours) to San Bernardo; second, to the use of a house, at San Bernardo, and to a certain allowance for their support, within a certain period, until they can settle to work; third, to the ownership in fee simple, and free from registration expenses, of a tract of land at Talamanca of 6 hectares (about 10 acres) for each head of a family, and one additional tract of 6 hectares for each one of his children; fourth, to be paid monthly the sum of \$17 per family, for two years; and, fifth, to be given a cow, a pig, a sow, a certain number of hens and chickens, a collection of seeds, and a set of the most necessary agricultural implements.

Talamanca is a rich mining and agricultural district, well provided with rivers and everything necessary to become a prosperous country. It has, nevertheless, the disadvantage of containing still within its limits some bands of uncivilized Indians, although not numerous. These Indians, however, have never shown themselves hostile to the settlers.



## THE BUENAVISTA COLONY.

Under a contract with the Atlantic Railroad Company and the River Plata Loan, Trust and Agency Company of London 800,000 acres of land were granted for colonization purposes. Colonists of all nationalities except negroes and Chinese are admitted, and they are given liberally the ownership of fertile lands, in localities at between 3,000 and 8,000 feet above the level of the sea, in the vicinity of the railroad and not far from the centers of population of the Republic.\*

## THE NICOYA CUBAN COLONY.

Under a contract with Don Antonio Maceo, and for the purpose of promoting and improving the cultivation of tobacco, the Government has set apart a tract of land of about 24,000 acres in the fertile territory of Nicoya. Señor Maceo has obtained for himself, as well as for the colonists, the most liberal concessions.

## THE MATINA RIVER COLONY.

The adaptability of the soil of Matina for the cultivation of cacao, which in former times rendered this locality famous, induced the Government to enter into a contract with Signor Attilio Lazaro Riatti, of Italy, for the purpose of bringing to Matina immigrants of any nationality to engage in the aforesaid cultivation and restore as far as practicable the former state of things. Signor Riatti has been given for that purpose 1,600 acres of land in the neighborhood

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\*A pamphlet referring to this colony was printed in London in 1891, under the title of "Costa Rica: a Home for Immigrants. Pamphlet compiled for the River Plata Trust, Loan, and Agency Company, by G. W. Camphus, esq., the company's representative in Costa Rica."

A correct idea can be formed of the liberality with which the Costa Rican Government deals on the subject of immigration and colonization by examining Article XXII of the concession granted to this River Plata Company, which reads as follows:

"The Government grants to the company 800,000 acres of public vacant lands, either along the railroad or in any other section of the country, as the company may choose. The lands are granted together with all the natural wealth of whatever class they may have. The company shall have also the belt of ground necessary to build the railroad and all buildings required by it. Grant is made to it in the same way of all the material required for the construction of the road and buildings which may be found—as lands belonging to the State, and also of two lots at Limón, wherein the company may build its warehouses, wharf, etc. All the above concessions are made without requiring any indemnification therefor to be paid by the company, or by any one else. The Government shall not levy any tax on the lands granted until after the expiration of 20 years, to be counted from the date of the concession."

of the Limon Railroad and in the localities which once were more renowned, and ample means and inducements to carry out this plan successfully have been granted to him.

#### MR. REYNOLDS'S AMERICAN COLONY.

An earnest effort is being made by Mr. W. H. Reynolds, of Hornellsville, N. Y., to establish an American colony in the fertile territory of the Republic which borders upon the Atlantic, on lands where cacao, coffee, sugar-cane, cotton, and many other agricultural productions of great value can be abundantly raised. The Government has given Mr. Reynolds 66,000 acres of land to carry out his scheme, and granted exemption from duties for three years on all goods and articles imported into the country for the use of his colonists, and many other privileges and advantages of recognized value.

Mr. Reynolds has bound himself to take to the aforesaid locality one hundred American families of good moral standing and experienced to engage in agriculture, and settle them in the places within the limits of the tract granted which are best adapted for the kind of cultivation selected, and provide them with a house, seeds, implements, and other things necessary. Sufficient area is to be set apart in these lands for the construction of a town.\*

#### THE COCO ISLAND GERMAN COLONY.

A German subject by the name of August Gissler has entered into a contract with the Government by which he bound himself to take to the Costa Rican island named Coco, on the Pacific coast, a colony of fifty German families. An area of a square kilometer is to be reserved to build a town, and the rest of the territory is to be divided in lots of 16 hectares each, and arranged in such a way as to allow alternate lots to Mr. Gissler and the Costa Rican Government.

#### THE RODRIGUEZ COLONY.

Under a contract with Don Eusebio Rodriguez, a rich land-owner in the San Carlos Valley, some portion of the lands belonging to that gentleman, and situated in the immediate neighborhood of the Nicaragua Interoceanic Canal, is to

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\* See Gaceta Oficial, San José, August 5, 1891. A very interesting and well-printed and illustrated pamphlet relating to this colony was issued at Hornellsville, N. Y., in 1891, under the title of "Resources and Attractions of the Republic of Costa Rica; The Yankee Colony, Hornela; A Veritable Paradise for the Agriculturist, Lumberman, and Miner. The Central-American Land, Colonization, and Mining Company, of Hornellsville, N. Y."

be divided into lots and set apart for colonists, and devoted to agricultural purposes. Señor Rodríguez is given for a certain time the use of \$25,000, to be advanced by the Government, and many other privileges of importance.

#### OTHER CONCESSIONS.

In its desire to promote agriculture, the Costa Rican Government has made other concessions, as follows: One to Don Victor Guardia and Don Odilón Jiménez, for the establishment of a sugar plantation at Guanacaste; another to Don José Machado y Pinto, for the establishment of a bank, under the name of "The Costa Rican Loan, Trust, and Colonization Bank," with a capital or \$5,000,000, divided into 5,000 shares of \$1,000 each, the Government guaranteeing a dividend of 4 per cent a year.

#### COSTA RICAN LAW ON CITIZENSHIP AND NATURALIZATION, OF DECEMBER 20, 1886, AS REËNACTED AND AMENDED MAY 13, 1890.

SECTION 1. The following are declared to be native citizens of Costa Rica:

(1) The legitimate son or daughter of a Costa Rican father, whatever the locality may be in which he or she was born.

(2) The illegitimate son or daughter of a Costa Rican mother, whatever the locality may be in which he or she was born.

(3) The illegitimate son or daughter of a foreign mother and Costa Rican father, if recognized by him.

(4) Any child born or found within the territory of the Republic, whose parents are not known or are of unknown nationality.

(5) The inhabitants of the province of Guanacaste who finally settled within its limits between the 9th of December, 1825, the date of the incorporation of that province into the Republic of Costa Rica, and the 15th of April, 1858, the date of the treaty with Nicaragua.

(6) The children of a foreign father born within the national territory, who, after completing the age of 21 years, voluntarily inscribe themselves in the registry of citizens, or who, previous to reaching that age, have been inscribed in the same registry by their father, or, in default thereof, by their mother.

SEC. 2. Minor children of a Costa Rican father who has lost his citizenship, may, on reaching the age of 21 years, be adjudged Costa Ricans, if they make a declaration to that effect before any diplomatic or consular officer of the Republic, if living abroad, or before the Secretary of Foreign Relations of the Republic, if living in the country.

If, besides residing in the Republic, they can prove that before reaching the age of majority they have served in some public office, or rendered service in the

national army or navy, this circumstance, without any further formalities, shall be sufficient to invest them with citizenship as Costa Ricans.

This provision shall be applicable to the illegitimate children of a Costa Rican mother and a foreign father, not recognized by the latter, if the mother has lost her nationality.

SEC. 3. The following are declared to be naturalized citizens of Costa Rica:

(1) Foreigners who have acquired, or may in the future acquire, Costa Rican citizenship in the manner provided by law.

(2) Costa Ricans who have lost their national character but have recovered it.

(3) The foreign wife of a Costa Rican husband. This citizenship acquired by marriage shall be preserved by the widow during the time of her widowhood.

SEC. 4. Costa Rican nationality shall be lost by the following:

(1) By Costa Ricans who become naturalized in any foreign country.

(2) By Costa Ricans who accept public offices or titles or decorations from a foreign Government without permission of the Government of Costa Rica; but nothing of this provision shall be construed to prevent anyone from accepting literary, scientific, or humanitarian titles, which can be accepted freely.

(3) By entering, without permission of the Costa Rican Government, the military service of any foreign nation, or enlisting in a foreign military body.

(4) By the minor illegitimate son or daughter of a Costa Rican mother, at the very moment of his or her recognition by his or her foreign father, with the mother's consent.

(5) By the Costa Rican woman who marries a foreigner. Her new nationality acquired by marriage shall remain vested in her even if she becomes a widow, for the whole period of widowhood. But if, under the laws of her husband's country, the nationality of her husband is not transmitted to her, then and in that case she will retain her Costa Rican citizenship.

SEC. 5. Costa Rican nationality, once lost, can be recovered as follows:

1. If the Costa Rican naturalized in a foreign country, residing outside the territory of the Republic, returns to it, and makes a declaration before the Secretary of Foreign Relations that he, or she, wishes to settle in Costa Rica, and renounces his, or her, foreign nationality.

2. If the Costa Rican who finds himself in case No. 2 of the preceding section comes before the Secretary of Foreign Relations of Costa Rica and makes a declaration renouncing the office, title, or decoration given him by a foreign Government.

3. If the Costa Rican who finds himself in case No. 3 of the preceding section asks permission from the Government to return to the territory of the

Republic, and actually returns to Costa Rica, if the permission be granted, and fulfills all the requisites to which foreigners seeking for naturalization are subject.

4. If the Costa Rican who finds himself in case No. 4 of the preceding section, comes, when reaching the age of 21 years, before the Secretary of Foreign Relations, and declares that he chooses to be a citizen of Costa Rica, or if his or her father, has inscribed him or her in the registry of citizens during minority.

5. In case No. 5 of the preceding section the widow of the foreign subject or citizen may recover her original citizenship by returning to Costa Rica, and declaring before the Secretary of Foreign Relations that she wishes to settle in the country and that she renounces her foreign citizenship.

SEC. 6. Any change in the nationality of the husband, which may occur during the time of the marriage, shall be also effected in the nationality of the wife, if under the laws of the country where nationality has been accepted by the husband the wife has to follow him, in so far as her national status and citizenship are concerned.

SEC. 7. The rule of law under which it is considered that for all beneficial purposes a son, or daughter, is considered to have been born ever since the first moment of his or her conception, is applicable to all cases in which Costa Rican citizenship is to be either acquired, or retained.

SEC. 8. All foreigners can become naturalized in the Republic if they show by proper evidence :

1. That the applicant is of full legal age under the laws of his country.
2. That the applicant has a profession, or an office, employment, or revenue, upon which he can live.
3. That the applicant has resided in the Republic at least one year, and that his conduct has been good.

SEC. 9. No letters of naturalization shall be granted to citizens or subjects of a nation with which Costa Rica may then be at war, nor to anyone who somewhere else has been judicially adjudged a pirate, a slave-trader, an incendiary, a counterfeiter either of coins or of bank notes, bonds, or other Government securities, a murderer, a kidnaper, or a thief.

Naturalization secured in fraud of the present law is absolutely void.

SEC. 10. Foreigners who wish to be naturalized shall appear, either personally, or by an attorney especially authorized for that purpose, before the Secretary of Foreign Relations, and shall set forth their intention and their desire of becoming a Costa Rican citizen, and of renouncing their own nationality. The applications to this effect shall be referred to the governor of the province or of the "Comarca," in which the applicant resides, with instructions to make an investigation and examine at least three witnesses upon all the points enumerated in section 8 of the present law.

The record of this investigation shall be forwarded, as soon as it is completed, to the Secretary of Foreign Relations, and if it shows that no legal obstacle prevents the letters of naturalization from being granted by the Government, they shall be granted; otherwise they shall be refused. The decision of the Government whether granting or refusing naturalization shall be published in the official paper.

The provisions of this section are not applicable to those foreigners who become naturalized citizens of Costa Rica by operation of the law without any action on the part of the Government. Nor are they applicable to those entitled to, or authorized to choose, the Costa Rican nationality, who need only to make the proper declaration before the diplomatic or consular officers of the Republic in the country in which they may happen to be, or before the Secretary of Foreign Relations.

SEC. 11. The naturalization of a foreigner becomes without effect by the fact of his residence in his native country for two consecutive years, unless it be in fulfillment of an official mission of the Government of Costa Rica, or with its permission.

SEC. 12. The change of nationality shall not have any retroactive effect.

SEC. 13. Naturalized citizens shall be entitled just as much as the native citizens to the protection of the Government of the Republic. Nevertheless, if they return to their native country, they shall be answerable there for everything done by them previous to their naturalization in Costa Rica.

They shall have the same rights and privileges as the native Costa Ricans, as well as the same duties and obligations; but they shall be disqualified to fill such places, or offices, or employments as, under the law, require the incumbent to be a native-born citizen of Costa Rica.

SEC. 14. Foreigners shall enjoy the rights and privileges enumerated in Article 12 of the Constitution, and all the others which may have been, or may be in the future, agreed upon by treaty with a foreign nation.

SEC. 15. Foreigners shall be bound to contribute, in the manner provided by law, to all public expenses; also to respect the laws and institutions of the country, obey its authorities, and abide by the decisions of its tribunals, without having other remedies than those which the laws grant to the citizens. They shall be allowed to have recourse to diplomatic action, in such form as established by international law, only in case of denial of justice, or when the administration thereof is willfully delayed, and after all the ordinary remedies provided by law have been exhausted.

SEC. 16. Foreigners can not enjoy the political rights which belong to the citizens. Therefore they can not vote in any popular election, be elected by popular vote, nor serve in any public office involving civil or political authority

or jurisdiction. They have no right to form or join associations intended to take part in political matters in the Republic, and from such they must abstain and avoid all intervention, and not even exercise the right of petition.

SEC. 17. Foreigners are exempted from military service; but those who have acquired a domicile in the country shall be bound to do police service, if so required, to secure protection to property and the preservation of peace and public order in the locality in which they are domiciled.

SEC. 18. Nothing in this law is to be construed as changing or amending anything stipulated with other nations, by means of international conventions, in regard to citizenship, naturalization, and the rights and duties of foreigners.

**Bull. 53—5**

## Ecuador.

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A report submitted on the 10th of June, 1890 to the National Congress of Ecuador, by the Secretary of the Treasury of that Republic, contains the information that large tracts of land of great fertility belonging to the Government, situated in various parts of the country, are absolutely valueless because no person has come as yet to settle on them and develop their productive capacities. The report states that, although under the law of December 7, 1875, the Government was authorized to sell the public lands, and about 5,000 hectares were actually sold to private individuals and companies, most of the lands so sold were situated in the neighborhood of cities and other centers of population already flourishing, and in localities where agricultural work had been already done. The great bulk of the public lands of Ecuador, comprising zones of immense extent and of wonderful fertility and agricultural wealth, can not be reached without penetrating the interior of the country. These lands, which lie on both the western and the eastern sides of the Andes, are covered with forests abounding in valuable timber of all descriptions, and offer great opportunities for labor and enterprise.

"No one comes," says the Secretary of the Treasury, "to take advantage of these treasures. No one asks for them. No colonists come to these lands; and while in the large cities we are starving, the East and the West, which offer us enormous wealth and abundance, are entirely ignored."



President Flores, in his message to the Ecuadorian Congress, June 10, 1890, refers to the problem of foreign immigration in the following words:

In regard to foreign immigration, I must say that it must be preceded by the establishment of the public credit on substantial foundations, by good systems of communications and public instruction. I appointed a board at Guayaquil, whose duty it was to attend to and promote this important branch of the public welfare, but that board has been unable to do anything for want of means. Can we ever expect to have any immigration at all without expending annually the sums of money which many South American nations—not to say anything of others on the north—carefully devote to that purpose? Can we do less than those nations, much more favored than ours as far as climate and facilities of transportation are concerned, especially Chile, Uruguay, and, above all, the Argentine Republic, which in this respect must serve as a model to all the other republics of Spanish America? The problem of foreign immigration, which I have practically studied for many years in the United States, and in regard to which I see that many of our fellow-citizens entertain many illusions, depends for its solution upon high salaries, good climate, ample facilities of communication, abundance of means to make a living and accumulate wealth; and all this aided by bureaus of information in Europe, the payment of the passages, and the advantages given to the immigrants, who, as, for instance, in Canada and the Argentine Republic, are lodged and boarded at the expense of the nation in hotels kept by the Government, and afterwards provided with lucrative labor. If we lack all these elements, which are the base upon which all plans of immigration must rest, how can we expect to compete with the nations which possess them, and which expend large sums of money every year to enlarge and improve them?

See what other American Republics expend for the purpose of attracting foreign immigration to their territory, whether through the instrumentality of private companies and the State governments, as is done in the United States, or through the action of the National Government. The Argentine Republic, after having established immigration bureaus in the principal European centers, made arrangements with the National Bank and became responsible to it for \$1,000,000 for the payment of passages in advance. In 1889 Uruguay applied a portion of a loan of twenty millions to promote immigration, and entered into contracts for the settlement on its territory of two or three thousand Italian families, and one thousand from Viscaya. In the very same year Brazil voted for identical purposes \$5,000,000. Are we in such a condition as to be able to expend money for immigration purposes? And even if our budget would allow

us to do so, would that expense be justified in view of the condition of our roads and of the fact that we have no work to give to the immigrants? That which happened with the Jamaicans brought from the Isthmus for the works of the Southern Railroad, and the rapid dispersion of the 10,000 laborers who had worked there in the canal, are facts sufficient in themselves to answer the question.

Let us reëstablish our credit; let us offer guaranties to all foreigners; let us afford facilities to come to our country and to travel within its limits; let us furnish comfort and means of prosperity, and then, and then only, we shall have immigration. In the meantime it is simply loss of time to occupy ourselves with this matter.

The immigrants now settled in Ecuador coming from Colombia are calculated to be 40,000. They are the only ones whom we can have for the moment, and we must treat them as brothers, and remember that in the dawn of the Ecuadorian nationality our country wanted no other name than "Ecuador in Colombia." Seven years ago in testimony of that fraternity I dedicated to conservative Colombians before their triumph my work on the Great Marshal of Ayacucho.

Hatred to foreigners is a sentiment felt only among people little advanced in civilization and is antagonistic to Christian charity. There is not only honor, but also advantage, in treating the foreigners well. The United States are a good example of this truth, because, thanks to foreign immigration, they have succeeded in little more than one century in increasing their population from 3,000,000 to 65,000,000, an increase which will continue, as I calculate, at the rate of 1,000,000 per year. Owing to this, they can compete in civilization and progress with the most advanced nations of the Old World.

Although, as fully aware as the most and the best informed, of all the advantages of immigration, I will abide in full agreement with the Council of State, by the decree which forbade Chinese immigration. The reasons on which this prohibition is based are set forth in a separate message.

#### LAW OF DECEMBER 7, 1875, ON THE SALE OF PUBLIC LANDS.

ARTICLE 1. Authority is hereby given to the Executive Power to sell all the lands which, according to Article 579 of the Civil Code, belong to the State; such sales to be made, however, subject to the provisions of the present law.

ART. 2 The Executive shall also have power to sell, under proceedings of condemnation of Article 98 of the Constitution, such lands granted by the Government to private parties as are now, or may be found hereafter, uncultivated; provided that ten years have elapsed since the concession, and provided also

that a railroad, or a road of another kind, giving value and importance to the said lands, has been built by the Government or at its expense.

Nothing in this provision shall be construed as being applicable to lands difficult of cultivation, as the Cordillera desert, the pasture grounds, or the swamps near the coast.

ART. 3. Preference shall be given in the sale of public lands to those who are actually engaged in their cultivation, whether wholly or partially, and to the owners of the neighboring tracts of lands, if they do not own more than 200 hectares.

If the tract of land under cultivation does not exceed 20 hectares the Executive Power shall make the transfer of the ownership, and give the title to and in the said tract to the cultivator thereof gratis, or without requiring him to pay any price for it, provided that the said purchaser habitually resides within its limits.

ART. 4. All sales or concessions of public lands shall be made upon previous surveys and demarkation of the limits of the tracts or lots sold, which shall never exceed 200 hectares. If between the area thus fixed and some natural limit, as for instance a river, a lake, etc., some vacant space should be found less than one hundred hectares in extent, it shall be annexed to the adjacent lot.

Such sales as have been heretofore made, without previous survey, or upon an incorrect one, shall be held to be valid in so far as the amount of land which according to the standard of prices established by previous laws, or fixed at public auction, at any time subsequent to the first disposition thereof, has been paid for. But this provision is applicable only to these sales of public lands made after the date on which the law of October 13, 1821, was put into force in the territory of Ecuador.

ART. 5. The Government shall appoint the engineer or surveyor to whom the survey of the public lands is to be entrusted; and the said engineer or surveyor shall divide the lots, and mark the limits of each one by planting trees, or otherwise, and draw up the proper map.

All the expenses incurred in this operation shall be paid by the Government; but each purchaser shall be bound to pay, over and above the price of his lot, a sum equivalent to 10 per cent on the amount of the price, which shall be applied to cover said expenses.

ART. 6. The price to be paid for each acre of ground, of whatever class, situated at an altitude higher than 2,000 meters above the level of the sea shall be 20 cents. If the lands are at an altitude varying from one thousand to two thousand meters, the price shall be 30 cents; but if they are situated at any height less than 1,000 meters, the price shall be 40 cents per hectare.

Such tracts of land as are comprised in the two last-mentioned classes and

prove to be stony shall be counted as of only one-half their real area, so that, for the purpose of making one lot, two hectares shall be held to be one.

The parties interested in the purchase of these lands shall submit sealed proposals to the governor of the locality, who shall forward them to the Secretary of the Treasury after 15 days have elapsed subsequent to the publication of the proper notices or advertisements. The Secretary of the Treasury shall make the adjudication or concession in favor of the highest bidder, provided the price offered by him be not lower than the one established by law.

The deed of sale shall not be executed until after the purchaser has paid into the Treasury the price of the land and the 10 per cent additional to cover the survey expenses. This payment shall be made within fifteen days from the date of the adjudication or concession.

As soon as the payment is made the Secretary of the Treasury shall cause the deed to be executed before the proper notary public, and shall then deliver it to the purchaser, who shall have to pay no fees or charges of any kind for it. The certificate of payment of the price into the Treasury shall be fully inserted in the deed.

Sales shall become, *ipso jure*, void,—(1) if the purchaser do not pay the price of the land within the period stated in one of the foregoing paragraphs; (2) if the purchaser do not put at least one-fifth of the lot under cultivation within ten years after the date of the deed. In the latter case the price paid by the purchaser shall be forfeited for the benefit of the nation.

ART. 7. The lots shall be sold alternately, so as to allow in all cases one lot between two adjacent ones to be left vacant and subject to future disposition.

One fifth part of the lands so reserved shall be set apart to defray the expenses of public instruction and of the municipal service required by the new towns to be erected in those localities, for the establishment of inns, for the support of watchmen or policemen doing service on the roads, and of religious and charitable institutions.

The intermediate lots shall not be sold until at least a fifth part of the area of each adjacent lot is under cultivation.

ART. 8. The Bureau of Statistics shall keep and preserve the maps made by order of the Government, preliminary to the sale of any tract of public land. An index or registry of the sales made shall be also kept at that bureau, and the proper reference thereto shall be made on each.

ART. 9. Whenever the lands to be disposed of under the provisions of this law are covered by forests dividing provinces, cantons, or parishes from each other, the determination of the limits of each territorial division shall belong to the Council of State. The Council of State shall give preference, whenever practicable, to natural limits.

ART. 10. The Government shall make grants, of no more than one hundred hectares, for the establishment of colonies; but no deed of ownership of said land shall be given until the latter is under actual cultivation, and has been so for five years at least.

ART. 11. In order to secure the preservation of peace and order on the public roads to be opened across the forests referred to in the foregoing articles, for the keeping of the same in good repair, and protection of the mail service, a police shall be organized by the Government in such a way as to allow posts to be kept at the distance of from 6 to 15 miles apart. Each post or station shall consist of a house, built at the expense of the Government, and a lot of 100 hectares capable of cultivation. It shall be provided with all the necessary agricultural implements, tools, material, and everything required to keep the section of road to which the station belongs in good condition of repair. \* \* \*

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## Guatemala.

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Guatemala is a country of not more than 1,224,602 inhabitants scattered over a territory of 46,800 square miles. This gives a rate of about 26 persons per square mile and shows the great necessity of attracting foreign immigration to that country, if its agricultural and other resources are to be properly developed.

The Guatemalan Government, recognizing the importance of giving due attention to this subject, has enacted a series of laws bearing upon it, and besides has taken steps in a more practical direction to accomplish the same purpose. All of this has been mentioned in the Hand Book of Guatemala, printed as Bulletin No. 32 of the Bureau of the American Republics, and from it the following is taken :

### IMMIGRATION.

Guatemala is a healthy country, abounding in vacant and fertile lands, almost two-thirds of which are not cultivated for want of labor, and the country offers great advantages to immigrants. The soil needs no fertilizers, and the industrious immigrant, even without capital, will simply have to till the land slightly and sow the grain to obtain in six months a sufficient crop for the ample support of a family, and until the cuttings and seeds that require transplanting—as is the case among others with coffee and cacao—are in a condition to secure for him in the near future an assured independence. Another industry that could not fail to become very profitable is the raising of poultry, which thus far is much neglected, though it brings extremely good prices.

A few years ago it happened that a vessel with Italian immigrants bound for the Argentine Republic arrived in Guatemala, and though nothing was prepared for their reception, everyone found employment without difficulty. Some had no capital whatever, and, without any other tool except a scythe, made a living

by cutting grass in the fields and selling it in the city, until they could improve their condition. This they soon succeeded in doing; for they earned good wages, some in cultivating garden truck, others in raising pigs, taking care of cattle, etc.

What precedes relates particularly to immigrants without means. Those who possess a little money can make a fortune within a few years in establishing coffee or cacao plantations. Others who have a profession or trade find unlimited fields to exercise it profitably. No person ever left the country on account of a want of opportunity to invest his capital or for lack of lucrative employment when he cared to work.

The Government protects and encourages immigration in a very liberal and efficacious manner. By a decree dated the 20th of January, 1877, it established a society of immigration with funds for its support derived from the sales of the public lands and other sources.

The following are the principal articles of the law of its organization :

ART. 4. The society is empowered to dispose of the public lands (*terrenos baldios*) that may be required to carry out the important purposes of its foundation.

ART. 5. A central bureau shall represent the society before any tribunal, departmental, and local authorities, whenever any questions shall arise connected with immigration or contracts relating to it.

ART. 9. This bureau is empowered to attend to petitions for the ingress of immigrants, based on contracts with private parties.

ART. 10. It shall also give its attention to petitions for situations on favorable terms, from immigrants arriving without a previous engagement.

ART. 11. Private parties desiring to bring immigrants to work for them must previously obtain a special permission from the Government, which shall refer the application to the society.

ART. 12. The bureau may, in case of need, give the parties interested all the assistance within its power, provided they refund to the treasury of the society the amount disbursed in their behalf.

ART. 14. In the capital or other localities where there are no commissioners of immigration, the bureau shall provide board and lodging for all immigrants coming on its account, for a period not exceeding fifteen days; and that period may be extended according to circumstances.

ART. 22. Besides the home agents, the society shall have the power to appoint others to reside abroad at the places deemed most convenient.

ART. 30. These agents in foreign countries shall pay the passage money entirely or in part, when authorized to do so, and shall enter into contracts for the

transportation of immigrants, according to the instructions received from the central bureau.

ART. 34. Every foreigner, being a laborer, artisan, factory hand, agriculturist, or servant, who is less than fifty years of age, coming on his own account or at the expense of the society or of private parties, shall be considered an immigrant.

ART. 36. Every immigrant having obtained a certificate of immigration shall be entitled to the following privileges:

First. To a passage in the ships chartered for the purpose.

Second. To land free of charge at the ports of the Republic.

Third. To introduce free of duties jewels for personal use, wearing apparel necessary household furniture, machines, agricultural implements, seeds, portable houses for his own dwellings, tools, domestic animals, carts for his own use, and provisions for six months; but for once only.

ART. 38. Immigrants shall be divided into three classes:

First. Those coming voluntarily and at their own expense, attracted by the advantages of this law and by the country itself.

Second. Those ordered by private parties, either directly or through the society.

Those of the first class shall have the right to ask the assistance of the society in the acquisition by them, on easy terms, of the best situated lands, materials, seeds, and domestic animals.

Those of the second class, when ordered by the society, shall be entitled to the assistance and support of the society in exacting the fulfillment of the promises made to them by the private parties who brought them.

They shall also be entitled to free transportation inland; to be lodged by the agents of the society or by the central bureau during the first fifteen days after their arrival, before starting for their destination, and to free medical attendance from the physician appointed by the central bureau or its agents, and to be carried to the hospital should their sickness require it, and there to receive careful attention.

Immigrants of the third class shall have the right to claim one or more lots on the lands appropriated by the society, free of cost, if they are public lands, or payable on the terms agreed in the contracts, if the lands belong to the society by any other title.

They shall also have the right to be supplied with the necessary implements for their labors, with oxen and other cattle, seeds, dwelling houses, and in some cases with money and provisions for a time fixed by contract.

Finally, they shall, during ten years, be exempted from export duties on their crops, provided the latter belong to them exclusively, and shall enjoy all the privileges granted by Articles 50, 51, and 52.



ART. 41. Hamlets or agricultural settlements may be established on public lands given gratuitously, or on private lands acquired by the society through purchase or otherwise.

ART. 43. Forests, timber lands, lands covered with pines, firs, mahogany, cedar, and other large trees shall not be included in the above grants.

ART. 47. The free concessions of the public lands to the companies or the immigrants shall be provisional; but they shall obtain final ownership on their fulfillment of the conditions of the grant, when they shall receive the legalized titles for the same.

ART. 48. If the stipulated conditions are not complied with within four years, the grants shall be null and void, and all works and buildings erected or in course of erection shall definitively become the property of the State.

ART. 50. During ten years, counting from the date of the provisional concession, the immigrants settled on the public lands shall not pay any direct tax whatever, and shall likewise be exempt during the same term from any other impost or personal charge, with the exception of the service relative to highways, which they shall perform according to the law now in force relating thereto.

ART. 51. All immigrants settled in the Republic under this law shall be exempt from military service.

ART. 52. They shall be entitled to introduce, free of duty, during the term of four years, the instruments, tools, machines, and other implements they may need for their work.

ART. 56. A formal renunciation of nationality and of the rights of foreign citizenship must precede all contracts making free concessions of lands to establish hamlets or agricultural settlements; and this renunciation shall be made at the place of emigration to this Republic by those doing so at the expense of the Government or the society; and the said renunciation shall be legalized in accordance with the laws of the nation to which such emigrants may belong, the same to be ratified before consuls or consular agents of the Republic.

#### PURCHASE OF UNCULTIVATED OR VACANT LANDS.

The following are the principal articles of the fiscal code concerning the purchase of uncultivated or vacant lands:

ART. 593. The uncultivated or vacant lands are those which the authorities do not reserve for public use and are not legitimately owned by any private individual or corporation.

ART. 594. Guatemalians and foreigners can acquire vacant lands by conforming themselves to the provisions contained in the present code.

ART. 612. The appraisal of vacant lands shall be made by experts, and the cash price settled on the following basis:

First. Two dollars per hectare ( $2\frac{1}{2}$  acres), if the lots of vacant lands are level and covered with natural pastures.

Second. One dollar and a half if they are level and covered with brush, but from which natural products, such as sarsaparilla, gutta-percha, etc., can easily be obtained.

Third. One dollar per hectare ( $2\frac{1}{2}$  acres), if there are bushes without the products referred to in the preceding paragraph.

Fourth. Eighty centavos per hectare if the lands are mostly uneven, stony, miry, broken, sterile, etc.

Fifth. The vacant lands which are 60 miles distant from the nearest center of population may be appraised at one-fourth of the price of those belonging to the categories mentioned in the preceding paragraph.

Foreigners on arriving in the territory of the Republic are strictly enjoined to respect the authorities and to obey the laws, for by so doing they acquire the right of being protected by them. Neither Guatemalians nor foreigners can in any case claim from the Government any indemnity for damages and injuries to their property or person caused by revolutions.

## Honduras.

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Many efforts have been and are now being made in Honduras to promote and encourage immigration and colonization. The country is much in need of success in this respect, because its population, estimated at 431,917, is scattered over an area of 47,090 square miles, while its magnificent resources of all kinds, capable of producing the most abundant returns for the labor bestowed, have been developed in only a very slight degree.

The Government of Honduras has been liberal to the utmost degree in the disposition of the public lands. At no later date than the 20th of October, 1891, the Secretary of Foreign Relations of that Republic, Señor Don Ierónimo Zelaya, who represented it at the International American Conference, stated in a letter to the director of the Bureau of the American Republics that in Honduras "it is easy to obtain lands at a very low price, and even gratis, on the northern coast, upon application to the Government."

Public lands in Honduras can be acquired by two methods:

First. By concession from the National Government, to be obtained by petition, which must be written on stamped paper and presented to the Minister of Fomento (public works). In this case the Government will state what equivalent is to be given it in return for the concession, and will require also some proper security for the due performance of the contract.

Second. By denouncement; in which case the applicant must present himself to the administrator of revenue of the depart-

ment in which the land is situated and make a formal declaration that the land is vacant. He shall describe it by its best known name and recognized boundaries, and state its approximate area and the quality of the soil; that is, whether it is pasture or agricultural land. If the administrator find that the land is government property and that it is really vacant, he will order it to be sold, at public auction, to the highest bidder, preference to be given, however, on equal terms, to the denouncer.

The minimum prices for government lands per *manzana* (about two acres) are as follows:

First. Lands suitable only for pasture, whether timbered or not, 50 cents.

Second. Fertile lands, whether timbered or not, suitable for agriculture, whether by reason of the natural condition of the soil or on account of the streams running through them, \$1.

Third. Lands within a league from the banks of a navigable river or lake, \$1.50.

Fourth. Lands which offer exceptional commercial, agricultural, or other advantages; the discretion of the Government being in this case always reserved, \$2.

These values are given in the Honduras monetary unit, the *peso*, which is equivalent to 61.7 cents in United States money.

The difficulty which exists at present, in regard to Government lands, is that most of those within easy access from the coast, or from the capital, have been disposed of. Those which remain vacant are situated, generally, at a distance from the frequented routes of commerce, and offer serious obstacles to the transportation of their products. For this reason people have generally preferred to buy private lands, even at a much higher price, \$5 per *manzana*, and have found an ample compensation for the heavy rates of freight and increased risks and expenses to which they would otherwise be subjected.

Negotiations have been concluded for extending the Inter-

oceanic Railroad from its present terminus at San Pedro, near the Atlantic, to the Pacific, and it is stated that the necessary capital has been secured in the United States. The concession is a very liberal one, including land grants and an annual subsidy of \$1,000 for each mile of road in operation.

A French company has just finished the surveys for a railroad from Tegucigalpa to San Lorenzo on the Pacific coast, and the prospects are that the work of construction will begin very soon.

The best localities for fruit growing are those situated near La Ceiba or Puerto Cortes, both of them on the Caribbean Sea, whence the products of the soil can be carried regularly by the steamers touching there. But in the neighborhood of those places there are no vacant Government lands.

A New York syndicate has recently purchased a tract of more than 100 square miles of magnificent fruit and timber land near Puerto Cortes, and proposes to make a vigorous effort for the colonization and improvement of that extensive region.

In this matter of the lands of Honduras, and of the laws regulating their sale and settlement, nothing can be said which may give a better or more complete idea than the report of Mr. D. W. Herring, consul of the United States at Tegucigalpa, submitted to the State Department of the United States on December 27, 1888. It reads as follows:

UNITED STATES CONSULATE,  
*Tegucigalpa, December 27, 1888.*

REPORT ON LANDS AND LAND LAWS IN HONDURAS. •

So many questions have been written to this consulate by Americans concerning the lands and land laws of Honduras that I have felt certain such a translation as the inclosed would be highly valued by all such as contemplate investment in this country. That it is a plain, simple answer by the Government itself to many such questions is a sufficient reason for its being sent from this consulate.

THE NEW UNIT OF MEASURE.

A very noteworthy amendment of this law is that it establishes a unit of measure, exact, uniform, and unmistakable, in place of the ancient and uncer-

tain "caballeria," formerly the unit of measure, and extremely indefinite in its meaning. It has not only various meanings separate or not relating to land, but, as regards land, its meaning is not the same in Honduras as in some other countries. This indefiniteness of meaning was continually causing mistakes. Making inquiries as to what was a caballeria, the answers received did not harmonize, and not knowing or thinking that there was a conventional caballeria in Honduras, I naturally went to the standard Spanish-English dictionary to ascertain the meaning of caballeria, and found it defined therein as "a tract of land of about  $33\frac{1}{3}$  acres, United States measure," and I reported to the Department accordingly that "a caballeria was equal to  $33\frac{1}{3}$  acres," while in Honduras it was really about three times as much, or 112 acres. To make impossible such mistakes was one of the much needed reforms accomplished by the new law, which adopts as a unit of measure in place of the indefinite "caballeria" the definite "manzana," which is everywhere a square measure of 100 by 100 yards (*varas castellanas*). Except in this necessary explanation it is useless to comment on the law, as it is given here to speak for itself.

#### GOVERNMENT LANDS, TAXES, ETC.

There is no measurement or record showing the quantity of Government land, but the acres may yet be counted by the millions. The supreme Government has a monopoly on the sale of tobacco and whisky, but there is no tax on any lands or their products, except sometimes and in some places there is a road tax or other local charge insignificant in amount.

#### AGRICULTURE.

On this land can be grown almost all the agricultural products produced in the United States. Sugar cane is indigenous and grows for ten years or more without replanting, and two crops a year can be taken from the same soil. Cotton will grow as high as 20 feet. Honduras coffee is perhaps without a superior in the world. And it is claimed that rice grown here sells for better prices than are paid for that grown in the Southern States. As explained in a former report, agriculture is centuries behind the progress of the age. But this is not chargeable to any natural conditions of climate or soil, but to the heretofore unsettled condition of the country. It has not only been sparsely settled, but, as freely admitted by the Government and people, the past political condition of the country has been most unfavorable to agriculture. Farming, perhaps above all other pursuits, requires uninterrupted peace, not only because timid capital fears wars, but because the laborers necessary must be absolutely exempt from molestation or even the fear of it through conscriptions or otherwise. For instance, mining may be well suspended on account of war, but the care of

growing crops never. Unfortunately, the long sought and hard won independence secured by this people in the great revolution of 1821 did not bring with it the blessing of peace, but the country has been torn and rent with civil dissensions and wars down to within a few years, when the helm of government was put in the strong hands of the present chief executive, whose firm and commanding influence seems to have succeeded in bringing peace to his long distracted country; and now there is going on the greatest revolution since that of 1821, and far better than that, because it is without bloodshed and brings in its train the blessing of peace and the sunshine of prosperity. This second great conquest of Honduras goes on, not by the power of the sword, as in the old days, but by the quiet, gentle, and persuasive means of modern civilization. This peaceful revolution has already swept away the old prejudices against foreigners (so obstructive to Honduras progress) not only from the minds and hearts of the people, but also from their statute books; and now the laws are most liberal and the people exceedingly kind to foreigners, especially to Americans; and these are coming in twos and tens, as they will afterwards come in twenties and thirties, to help make Honduras what it ought to be—a most delightful country.

#### PRODUCTS.

To dwell at length in any one report on the products of these lands would require too much space, and especially in this report with its accompanying inclosure; and therefore only a brief mention of such products will be attempted at present.

*Precious woods.*—There are rosewood, ironwood, sandalwood, satin-wood, silk cotton or ceiba, mahogany, cedar, pine, guacaste, cortex, black and white laurel, ebony, walnut, locust, and many others, some of which have not yet been introduced into the United States. Of dyewoods there are annatto, Brazil, fustic, indigo, sacate-tinta, etc.

Mahogany cutting at one time was very profitable, but is not so now, as most of the valuable trees near the coast, where transportation was cheap and easy, have been exhausted. When transportation facilities are furnished to the interior and to some places near the coast where transportation has been heretofore too difficult, this once profitable business alone, or in connection with other fine, hard-grained woods, will be revived; and no doubt many of the foregoing natural products, but few of which have been heretofore worked, will then become sources of rich profits.

*Fruits.*—Bananas, plantains, aguacates, zaphotes, cocoanuts, pineapples, oranges, lemons, limes, and blackberries abound in rich profusion and of the finest quality. There is a great variety of indigenous fruits, but a scarcity of

peaches, pears, cherries, olives, figs, dates, grapes, and strawberries, though there appears to be nothing in the climate or soil or natural conditions of the country to prevent the successful culture of these. Of all these the most important are the banana and plantain, which have grown within the last ten years to be the chief export product of the country, amounting now to an annual value of about \$1,000,000. Cocoanuts, pineapples, oranges, and lemons are the next of the fruits in importance and in the order named.

*Medicinal and fibrous plants.*—Of the first there are quina, ipecac, sarsaparilla, rhubarb, vanilla, and a great number of herbs, barks, gums, and roots unknown to materia medica. Of the second are the stalks of the banana and plantain, leaves of the pineapple, pita, pinquin, hennequen, mescal, etc.

*Minerals.*—Of these worthy of mention are gold and silver, platinum, copper, tin, lead, and iron; but of these only gold and silver are yet worked to any considerable extent, though there is a mine at Erandique that produces some valuable opals.

There is no way of ascertaining the exact value of the gold and silver product, there being no tax or other Government claim upon it. This product is known to be rapidly increasing, and will probably amount to \$2,000,000 next year.

#### VALUE OF PRODUCTS PER ACRE.

From different publications are taken the following estimates of the gross annual earnings per acre of some of these lands under judicious management: In bananas and plantains, from \$75 to \$300; in cocoanuts, from \$60 to \$300; in pineapples, \$240 to \$625; in sarsaparilla, from \$575 to \$700; in India-rubber trees for twenty-five years after first ten years, from \$100 to \$200. But these figures are intended to show the capacity of the lands under the best culture. The profits will depend more upon the capacity of the man—that is, upon his management and economy.

D. W. HERRING,  
*Consul.*

UNITED STATES CONSULATE,  
*Tegucigalpa, December 27, 1888.*

#### LAND LAWS OF HONDURAS.

[Translated from the Spanish by W. Everall, by whose permission this copy was transmitted for publication to the Department by Consul Herring, of Tegucigalpa.]

The President of the Republic of Honduras—considering that the unappropriated lands of the Republic constitute a source of national wealth, and that the



increase and development of agriculture call for the promulgation of an agrarian law which shall guaranty the property and possession of lands, and likewise the correctness and formality of measurements, divisions, setting of boundaries, and other surveying operations connected with the acquisition and peaceful enjoyment of landed property—making use of the powers conferred upon him by the forty-eighth article of the constitution, and the law issued on the 28th of December last, decrees the following ordinances concerning lands :

## CHAPTER I.

### DIVISION OF LANDS.

ARTICLE 1. The division of land for the purposes of this law shall be into three classes :

(1) Unappropriated lands, which are those that have not been made over to any private individual, towns, or corporate bodies, and which are owned by the State, although it may receive no revenue from the pastures, timber, and other natural products of the land.

(2) Those which are granted to towns as town lands for use of the inhabitants in common, and over which only a right of possession can be acquired.

(3) Lands of private ownership, amongst which must also be comprised those belonging to corporate bodies or definite associations.

ART. 2. The ownership of the possessors of land is guarantied and protected, whatever may be the time of possession, provided it has been in good faith and with just and lawful title, and in default of document any legal means of proof of the rights of the interested parties is to be so reputed.

ART. 3. The unappropriated lands of the Republic can not be acquired by prescription, except in the case of titles having been given by the Government, without all the conditions of the law having been complied with and their having been in possession of the party acquiring them during a period of ten years.

## CHAPTER II.

### LAND GRANTS TO TOWNS AND PRIVATE INDIVIDUALS.

ART. 4. The Government, acting in harmony with the present development of agriculture, possesses the power of making grants of land to towns and private individuals, in accordance with the existing laws and ordinances on the subject, or with those that may hereafter be enacted.

ART. 5. To every town which is the capital of a municipal district shall be given gratis, and as town lands, 2 square leagues of land, which must be

denounced on the unappropriated lands nearest to the town soliciting them. Town lands of small villages governed by assistant alcaldes, shall not exceed 1 square league; and it is a necessary condition for making such grant that the village concerned in the matter possess a municipal hall, an elementary school-house, and a population of not less than 200 inhabitants.

ART. 6. The towns spoken of in the preceding article shall solicit their town lands in writing from the administrator of revenue of the department to which they belong, through their legal representatives, who in villages are the respective assistant alcaldes. The petition must contain not only a statement of the circumstances which, according to law, are requisite to enable towns and villages to hold town lands, but also of the special condition of the land solicited. The administrator of the revenue shall make a summary investigation, by means of witnesses, in order to demonstrate the correctness of the statements set forth in the petition, the fact of the lands solicited being national property, and whether the petitioners have not already all or part of the town lands to which they have a right. These points being satisfactorily proved, the administrator shall declare, in an official paper, the national ownership of the land and the extent of town lands to which the petitioning village has the right, and shall commission a surveyor or expert to measure off the land in accordance with this law.

ART. 7. On the conclusion of his operations the surveyor shall hand back the documents to the administrator of the revenue, and the latter shall present them to the Government through the Secretary of the Treasury.

ART. 8. After the proceedings have been revised by a special fiscal officer, in the manner hereafter stated, and the whole being approved by the Government, the title shall be made out in favor of those interested without further expense than that of the corresponding stamped paper, and 2 cents, which they shall pay to the public treasury for every "manzana" (100 varas square) called for by the surveyor, and a certificate of the respective payment shall be annexed to the documents.

ART. 9. Town lands of towns and villages are granted for the use of inhabitants in common; their management and distribution belong in towns to municipalities, and in villages to the assistant alcaldes.

ART. 10. Every grantee of land acquires its possession from the moment when, by order of the competent authority, it is measured for him by the surveyor commissioned to that effect. He can make use of the land only after obtaining a title, which the Government shall cause to be made out, with the legal formalities, and without further expense than that of the stamped paper corresponding to the value of the grant.

## CHAPTER III.

## SALE OF UNAPPROPRIATED LANDS AND PRICES.

ART. 11. All land, which is not the exclusive property of any individual, person, or community whatsoever, must be reputed unappropriated and the property of the State. Individuals, societies, or towns that wish to acquire the ownership of land of this kind must present themselves to the administrator of the revenue of the department to which the land belongs, denouncing it as unappropriated, and describing it by its best known names and recognized boundaries, stating its approximate area and the quality of soil, that is, whether it is pasture land fit for cattle breeding, or land suited for agriculture. The officer of the revenue shall admit the denouncement and without loss of time shall either himself or by means of the collector of revenue of the same locality examine three fit witnesses as to the following points:

(1) Whether the land denounced as unappropriated is actually or ever has been in possession of any individual or town, and the uses made of it or intended to be made of it.

(2) Whether they know of any one having a right of ownership or possession of said land, or if it is recognized as really unappropriated and consequently the property of the nation.

(3) The witnesses must also furnish all the information in their power as to the knowledge they have of the locality, in respect to the nature of the soil, its situation as regards navigable rivers, railways, cart roads, and important towns.

ART. 12. After the conclusion of the examination, the Administrator of the Revenue shall formally declare whether the land denounced is or is not property of the State; and in this last case he shall proceed to appoint a surveyor or expert to undertake the operations of measurement, and shall hand to him the respective documents so that he may act according to the requirement and formalities set forth in a special chapter of this law.

ART. 13. On the termination of his operations the surveyor shall hand back the documents to the Administrator of the Revenue, who, on receipt of them, shall proceed to value the land in question, taking as a basis for this measure the value set upon lands by law, and the report of the surveyor as to its nature, all of which shall be clearly stated in the proceedings.

ART. 14. The Administrator shall thereupon decree the sale of the land by public auction, fixing the day and hour for this to take place. The notice of the sale shall be given in a newspaper of the department in three consecutive numbers, or in default thereof in any other newspaper of the Republic having a circulation within the jurisdiction where the land is situated; and it shall ex-

press the conditions of the land; its area in manzanas of 10,000 square yards (varas); its value or price, and the date and hour fixed for the sale.

ART. 15. On the arrival of the day and hour fixed for the auction, the Administrator shall sell the lands to the highest bidder, giving the preference on equal terms to the denouncer. No bid shall be admitted unless accompanied by a sufficient security or cash or guaranty for the amount of the bid. The denouncer is excepted from this condition. The security must be to the satisfaction of the Administrator, and the bondsman must make himself jointly responsible as debtor for the amount.

ART. 16. If in the measured land there should be a cultivated piece of arable land, grass piece, etc., formally established, and its possessor should wish to acquire as property the area he occupies and as much more, he has the right to purchase it, whatever may be its extent, at the rate of the valuation set upon it by the Administrator, according to the quality of the land occupied, and without overbidding in price being allowed. Of this occurrence separate proceedings shall be drawn up, in which shall be set forth the measures that serve to guaranty the rights of the purchaser, the measurement that comprises the land and so much more, the ground plot, and the report of the surveyor, all at the cost of the interested party; of all of which the respective title shall be given to him with the formalities and requisites of this law.

ART. 17. In every public sale of national lands a deed shall be drawn up in which shall be stated with clearness what took place in the proceedings, the intrinsic value of the land and its increase through counter-biddings, expressing the total amount of the sale, and naming the person or persons in whose favor it is made. The purchasers must bind themselves in a formal and definite manner to the payment of the amount accepted under the legal conditions and with responsibility incurred by back debtors to the public treasury. The proceedings of the sale (auction) shall be signed by the interested parties, the Administrator of the Revenue, and a notary public, or two assistants who shall be witnesses to the deed.

ART. 18. The sale being concluded in the manner expressed in the preceding article, the functionary who takes cognizance of the proceedings shall remit an account of them to the Minister of Finance for their revision and approval by the higher authorities.

ART. 19. The Government shall appoint a special official, who must under all circumstances be a surveyor of capacity and probity, to whom the proceedings shall be sent for revision. The decision given by him shall embrace the legal and scientific points raised in the proceedings.

ART. 20. If, from the decision of this official, it should appear that everything has been properly done without material faults or defects, whether in the opera-

tions of the survey or in other measures, and the Government accept the opinion of the official, the proceedings shall be forwarded to the Office of the Treasury where the payment has to be made. The certificate of the entry of payment shall be annexed to the proceedings, and after note has been taken in the Comptroller-General's office, and in the office of the director-general of the revenue, the Government shall legalize them. This legalization or testimony of the proceedings constitutes the deed of ownership.

ART. 21. It is to be understood that from the moment when an auction sale of national land takes place it is adjudicated to the purchaser, but the transfer of proprietorship *dominio útil* he can acquire only by means of the inscription of the title in the registry office of deeds, in accordance with the provisions of Article 763 of the Civil Code.

ART. 22. Whenever it be shown by the decision of the official revisor that the survey of a piece of land or of a remeasurement for Government legalization is defective, or that there are similar deficiencies in the administrative proceedings, and the Government adopts said decision, the error shall be ordered to be rectified at the cost of whoever has committed it. The rectified proceedings shall be remitted a second time to the Government for its approbation, and decision.

ART. 23. Every denouncement of national lands shall be dispatched without delay; and if, after three months have passed without sale taking place, the interested party do not press the regular dispatch of the proceedings, he shall be held as desisting from the denouncement, and the Administrator may, under those circumstances, admit a new application for the land. The proceedings shall then be continued in the state in which they are at the time on account of the new petitioner, to whom shall be transferred all the rights of the former one.

ART. 24. If, on making the investigation for the purpose of proving whether an unappropriated land is national property, there should arise the case of the witnesses being in disagreement with some individual who alleges a right to said land, the disagreement shall be settled by the arbitration hereafter spoken of, a hearing being given to the Fiscal of the Treasury, and administrative dispatch of the denouncement must be suspended until the definitive sentence of the arbitrators is given. But if the party alleging the non-nationality of the unappropriated land in question do not make use of his rights within a period not exceeding one month, the Administrator of the Revenue shall, in this case, *ex officio*, make a formal declaration that said land is the property of the State, and shall proceed to the further measures, on the petition of the denouncer.

ART. 25. In the same manner, if, during the operations of the survey, opposition should arise from any of the neighbors of the unappropriated land that is being measured, and according to the data attainable by the commissioner the

pretensions of said neighbor may be prejudicial to the Public Treasury, the surveyor shall proceed in accordance with what is set forth in Article 51.

ART. 26. For the purposes of this law, so far as it relates to the grant and sale of national land, the following shall be the unit of measure: The square yard (*vara*) and the *manzana*. The latter is equivalent to a square measuring on each side 100 yards (Spanish *varas*). The league of land, which, to the number of one or two squares, must be measured off as town lands for the towns of the Republic, is a perfect square, whose sides measure 5,000 yards (Spanish *varas*).

ART. 27. The geometrical map of all land which is surveyed or resurveyed for the purposes of this law shall be estimated in *manzanas* and square yards, and the calculation must be made by every fiscal revisor who, for any cause, has to examine and decide upon measurements or remeasurements executed prior to the present law. The *manzana* is the unit that shall regulate all taxes and charges on landed property. The minimum price of lands shall be graduated according to the following classes:

(1) Lands suitable for pasture, whether covered with useful timber or not, shall be valued at the price of 50 cents per *manzana*.

(2) Fertile lands, suitable for agriculture, not only on account of the facility with which they may be irrigated by streams running through them, but also by reason of the natural conditions of the soil, whether well wooded or not, shall be valued at \$1 per *manzana*.

(3) When the area measured contains the two qualities of land mentioned the surveyor, in his report, shall state the number of *manzanas* of each kind in his judgment, or their proportion one to the other, so that the Treasury official who has to value the land may have a basis on which to form his estimate.

(4) Lands situated within a league from the banks of navigable rivers, or of lakes connected with them, shall, as a general rule, be valued at \$1.50 per *manzana*. But if such lands excel through other natural or commercial advantages, their value shall then be \$2 per *manzana*. This shall be entirely at the discretion of the administrator, taking into consideration the data acquired in the proceedings.

ART. 28. The total value of the unappropriated lands which it is intended to dispose of shall be fixed by the Administrator of the Revenue, keeping in view what has already been stated.

ART. 29. The Government may prohibit the sale of national land to a distance of 2 leagues in a straight line from the shore of both seas, as also the disposal of islands or quays (*cayos*). The Government may grant such lands on lease and permit their improvement and cultivation, in accordance with the laws

and ordinances promulgated for the encouragement of agriculture and other industries.

. CHAPTER IV.

RESURVEY OF LANDS AND RENEWAL OF TITLES.

ART. 30. Whenever a private proprietor, or a town, or any association, on account of loss of title, or any other just cause, may wish to measure their land, they can do so on applying to the Administrator of the Revenue of the respective department, soliciting permission for the resurvey. This shall be granted at once on presentation of the title of the lands or of the documents that prove their right. Proceedings shall be commenced to that effect, and a surveyor or expert shall be commissioned by the administrative authority to carry out the necessary operations on the old boundaries, verified by the unimpeachable testimony of two fit witnesses, who shall give their declaration in presence of the Land Commissioner, and shall accompany him during the whole of his operations, to point out the boundaries and corner posts of the land under measurement.

ART. 31. If it should appear from the legitimate operations of a resurvey that there are differences either in excess or deficiency of the land, in neither case shall the proprietor need to make a fresh transaction with the public treasury.

ART. 32. It is the obligation of every proprietor to mark the boundaries of his land with stone or masonry pillars or other permanent signs, and for this purpose he shall have it measured and marked off by a surveyor or expert, proceeding in the form set forth in another chapter of this law. The same is incumbent on towns, so that they may secure the town and other lands that lawfully belong to them, and be able to defend them perfectly from all trespass attempted either in good or bad faith.

ART. 33. On the termination of the operations of the resurvey of land the surveyor shall return the proceedings to the Administrator of the Revenue from whom he received them, who shall remit them to the Government for the revision and approbation of the fiscal. The title of the resurvey shall be delivered with the same formalities as those provided in the case of the ordinary measurements of unappropriated lands.

ART. 34. In every remeasurement 2 cents shall be charged as fiscal dues for every manzana that results. This fee shall be paid to the Public Treasury, after the proceedings are approved, in order that the certificate of payment may be annexed to the title.

ART. 35. The titles of landed property can be renewed by applying to the Government, which shall order the legalized copy of the respective deed that

should be in the general archives of the Republic to be made out. In the new deed there shall be copied the petition requesting it and the final decree granting the renewal of the title, which shall be granted on presentation of the certificate of the payment of 2 cents for every manzana of those expressed in the proceedings to be legalized. The interested party must also pay the expenses of stamped paper, writings, and the copy of the geometrical map, which must be annexed to the deed.

ART. 36. When the person desiring the renewal of a title is owner of the property by bill of sale from one possessor to another, or in virtue of any legal documentary proof, he shall adjoin the documents on which he relies to his petition; and the Government, taking them into consideration, shall admit them, in so far as the law permits, and give orders that on the respective title being extended in favor of the petitioner said documents shall be copied faithfully and in full.

## CHAPTER V.

### MEASUREMENTS, DEMARKATIONS, SETTING OF BOUNDARIES, AND PARTITIONS.

ART. 37. A surveyor intrusted with the measurement of a piece of land shall, after accepting the commission, receive the papers, and shall mark on them the day for the commencement of operations.

ART. 38. The person commissioned for any survey, resurvey, etc., possesses the authority necessary for acting in the sense of his commission without having to subject his actions to the intervention of the local authorities of the place to which the land belongs. The jurisdiction of the surveyor is in this case of an administrative character, and as agent of the revenue department he should be assisted in the discharge of his duties whenever, with just cause, he calls on the local authorities to this effect.

ART. 39. All operations executed under the law must be authenticated by a notary public or by two attendant witnesses, able to read and write, named and sworn in by the surveyor, who shall state this fact on the proceedings. He shall also appoint a teller and a chain-bearer, who shall keep an exact account of the yards (varas) they measure on each stretch, for the judge of the survey to take note of in due time.

ART. 40. The first operation of the Land Commissioner must be the inspection of the land he is about to survey, and has for its object—

- (1) To ascertain what are at the time, or are going to be, the boundaries.
- (2) To see whether or not they can be run, and if they are susceptible of material measurement or not.
- (3) To inform himself whether the land adjoins private or national property,



and in the former case if the interested parties are in agreement as to their respective boundaries, or there exist doubts or claims regarding them.

(4) To endeavor, with impartiality and earnestness, to have all disagreements that spring up amicably and fairly arranged by the parties themselves.

ART. 41. After the boundaries that the land is to have are decided upon, and the interested parties are in accord regarding them, the measurement shall be proceeded with from boundary post to boundary post, taking the direction and distances in a straight line with a chain or metallic tape-line of 25 yards (Spanish yards), of 835 millimeters to the yard; the Commissioner taking care to avoid all cause of error and to instruct his assistants as to the convenient placing of sights and the carrying the chain accurately along the corresponding line.

ART. 42. At all points where there is a change in the direction of the boundaries and no natural signs exist, temporary marks shall be made by heaps of stones, so that they may not be lost sight of while the formal demarkation of the land is being made.

ART. 43. In the measurement of distances care must be taken to stretch the chain in a straight line, so as to avoid the undulations of the land, or to follow the declivities, in which case the angles of elevation and depression shall be taken and the line reduced to a horizontal.

ART. 44. The variations of the compass shall be ascertained before commencing the survey, the most appropriate spot for making the observation necessary for ascertaining it being selected, and in the proceedings the measures adopted shall be stated.

ART. 45. When lands adjoining others owned by or in possession of private individuals are to be measured, the inspection and measurement of the boundaries must be executed with the knowledge and in presence of the interested parties, and with inspection of their respective documents.

ART. 46. For the effects of the preceding article the judge of the measurement shall officially summon the proprietors or occupiers of the adjacent lands, appointing a period of three days, adding one more for every 5 leagues of distance, so that during that time they may present themselves, either personally or by representative, with their titles, in the place where their presence is required.

ART. 47. A note of these summons shall be entered on the proceedings, expressing the date and place of their issue, the place of residence of the persons to whom they are addressed, and the day fixed for the commencement of the operations at which they should be present.

ART. 48. If, notwithstanding the summons, any of the adjoining proprietors should not appear at his boundary, the surveyor shall proceed with the operations he has to perform thereon, endeavoring for their security to obtain data from other neighbors, or from whosoever can furnish them, for greater exactitude.

ART. 49. When the line to be measured is defined by a river, ravine, fence, or ditch, which from its nature admits of no confusion, the neighboring proprietor or possessor may excuse himself from attending, stating in his answer to the official summons in what his boundary consists. In other cases, where the boundaries are not well defined, it is incumbent on proprietors or possessors to present themselves to point them out, in order that their lawful rights may be respected.

ART. 50. On measuring the recognized boundary of a piece of property it shall be seen whether it is in accordance with the titles or documents from which it proceeds, not so as to alter it in any manner, but with the object that, in the direction and extension it actually has, it may serve as a boundary to the land to be measured.

ART. 51. When the proprietor or possessor of the land adjoining the piece being measured will not agree as to the boundary that the party interested in the survey wishes to establish, the surveyor shall use all effort and impartiality to bring about an equitable arrangement between the parties. If he should succeed, after making an entry to that effect on the proceedings, he shall carry out in conformity therewith the operations necessary for the opening of the line or lines agreed upon. In the contrary case, he shall merely take exact data as to the extension, direction, and other remarkable signs of the lines that each party lays claim to, so that therewith, and with whatever else it may be well to keep in view, the work may be decided by the arbitration hereafter to be spoken of, without on that account suspending the further operations of the measurement.

ART. 52. Should the measurement to be made be of unappropriated land adjoining others of private ownership or legally occupied, the survey shall be carried out, following the recognized boundaries of the owned or occupied lands adjoining.

ART. 53. Should the denounced land be surrounded by others unappropriated, the survey shall be executed in accordance with the terms of the denouncement, endeavoring to follow the natural boundaries of the land.

ART. 54. When lands without defined boundaries have to be measured, so far as topographical circumstances permit, a square or rectangular form shall be given them, the sides of which shall run from east to west and from north to south on a true meridian.

ART. 55. The surveyor shall carry a field-book, in which he shall note down all operations, the direction and length of every straight line measured, the accessory measures adopted to obtain the direction and length of such as are inaccessible, and all the signs met with on the land which demark the boundaries, and corner posts.

ART. 56. With this book before him, and in accordance with the particulars contained therein, and on the corresponding stamped paper the proceedings

stating what has taken place every day shall be written out with clearness and precision, both as regards the inspection of the land and the measurement of the boundaries, and also what is expressed concerning them in the documents of the adjoining neighbors, should there be any, and everything else that has been done or may have occurred.

ART. 57. These proceedings shall be signed by the surveyor, by the party interested in the measurement, by the adjoining neighbors whose boundaries are concerned, and by a notary or the attendant witnesses.

ART. 58. As soon as the corresponding calculations for the reduction of the lines that could not be actually measured and for fixing the area are concluded, a statement of the result of said operations shall be entered on the proceedings, declaring the steps taken to obtain it.

ART. 59. Every survey of land must be accompanied by a map, which shall show, in proportional scale with reference to the true meridian, the perimeter of the horizontal plan and the places or objects that help to a fuller understanding of the position of the boundaries and corner posts, nothing the names of these, the area in manzanas and square yards (varas), the adjoining possessions, the variations of the compass, the scale employed, and the date.

ART. 60. There shall also accompany it a record or recapitulation of the whole measurement, in which may be seen at once the direction and length of each line of the perimeter and the magnitude of the angles they form one with another.

ART. 61. Of all that has been done the surveyor shall draw up proceedings, of which he shall give account to the authority from whom his commission emanated, informing him whether the land measured was unappropriated, as to the nature of the land, and other particulars mentioned in Article 27 of this law, and giving the number of the manzanas it contains of the precise kinds, to serve as a basis for the valuation. He shall also make a report as to any disputes that may have occurred, or the way and term for arranging them by means of arbitration, should they have been left open. Under other circumstances the report shall be confined to the matters relating to the object of the commission.

ART. 62. After a sale by auction of unappropriated lands has been effected, or a resurvey of those of private ownership, which the Government has to approve for granting titles, the proceedings shall be revised by the special official, who shall be nominated for that purpose by supreme decree. The fiscal revision of such operations has for its object to observe—

(1) Whether, in carrying out the operations of measurement or remeasurement, all the legal formalities have been complied with.

(2) Whether each and every operation has been performed in accordance with the principles of land survey.

(3) Whether the calculations have been made in accordance with the data obtained on the land, and whether the results are correct.

(4) Whether the maps agree with the data of the survey and of the record referred to in Article 60, and whether it contains the remarks called for in Article 59.

ART. 63. If omissions or errors that can be easily filled up or rectified are met with, the revisor shall do what is necessary, either himself or by agreement with the measuring surveyor; but if this be not possible, the Government, in view of the report made by the revisor of measurement or remeasurement, shall decide what is best to be done, and in that case regard shall be had to the requirements of Article 22.

ART. 64. The maximum error of measurement that can be permitted in the survey of broken land, and of which the perimeter has more than forty sides, is 2 per cent on the whole extent; having only twenty sides,  $1\frac{1}{2}$  per cent. Should the error exceed those limits, it will be necessary to resurvey the land.

ART. 65. When a survey of unappropriated lands, or a remeasurement of private ones, has met with a favorable decision from the revisor, and it appears beyond dispute not only that it was executed without any opposition, but also that the interested parties and the adjoining neighbors, if there be any, are satisfied with what has been done, the boundaries indicated shall be considered settled, and shall at once be marked in a formal manner by pillars of masonry, or in some other permanent and secure way, if no natural landmarks exist. This shall be done also on every property and lawful possession of the kind mentioned in Article 32, with permission from the competent authority and in presence of the parties interested, by the same surveyor who measured the land or by another commissioned for the purpose. All that is done with this object shall be stated in proceedings to be drawn up, with the formalities prescribed in articles 56 and 57. When having to do with measurements made prior to this law, a deed shall be made out of all the proceedings of the demarkation, and the originals shall be annexed to the titles of the property marked out, with a certificate from the Administrator of the Revenue, who must intervene for the proper legalization of the different steps.

ART. 66. Surveyors in the exercise of their duties will be under the same criminal and civil responsibility that attaches to other public functionaries; and if—knowingly, through want of skill, and in contravention of what is prescribed in this law, so far as relates to his attributions—a surveyor should incorporate land belonging to a private individual, or lawfully occupied, or should occasion any other injury, he must remedy it at once, making the necessary rectification for the error to be remedied.

ART. 67. If the incorporation or damage treated of in the preceding article

arise through the injured proprietor or occupier not having furnished at the proper time the necessary and explanatory data to enable the operations to be fairly performed, the reparation shall be made at the expense of said proprietor or occupier.

ART. 68. In the operation of measurement, remeasurement, running boundary lines, demarkation and division practiced by surveyors in the capacity of experts nominated by judicial or administrative authority, or in those intrusted to them by private individuals, they shall proceed in accordance with the nature and object of the operation, adhering to the spirit of the prescriptions of the present law.

ART. 69. Disputes as to doubtful boundaries spoken of in article 51, and likewise those mentioned in articles 24 and 25, that arise between two or more proprietors, whether private individuals, towns, or communities, shall be settled in future by arbitration only; and controversies regarding partitions of land made by a surveyor commissioned for the purpose, and which the contending parties do not wish to accept or to recognize as valid, shall also be settled in the same manner.

ART. 70. The contending parties have the right to name the arbitrators in presence of the administrator who authorized the survey or resurvey of a piece of land, and in other cases in presence of the respective judge. Those named shall have the authority proper to arbitrators.

ART. 71. In an arbitration suit the contending parties may appear personally or by representative; and the fees of arbitrators and representatives, as well as all other expenses to which these special proceedings may give rise, shall be at the charge of the contending parties.

ART. 72. Each party shall name an arbitrator, and any citizen in the enjoyment of his rights may be such; and the arbitrators thus named shall agree upon a third, who shall decide in case of disagreement without the obligation of this third party being subjected to the approbation of the contending parties.

ART. 73. Whatever questions arise, or any already existing on the publication of this law, must be submitted to arbitration. If either of the parties should fail to name an arbitrator within a month after being called upon to do so by the administrator or judge at the solicitation of his opponent, said functionary may compel him or may name an arbitrator *ex officio* if necessary. The third arbitrator shall be appointed by the administrator or judge, three days after its being declared in writing that the first two can not come to an agreement as to whom to elect.

ART. 74. On the decision being given, in view of the antecedents, the court of arbitrators shall notify the parties; and at request of either of them shall give order of execution and send it, with the proceeding that caused it, to the ad-

ministrator or judge, for its due enforcement. No appeal can be had from the decision of the arbitrators.

ART. 75. The proceedings in arbitration may last for a period of thirty days, and can not be adjourned. During this period the parties must present the lawful proofs which they are able to obtain, and these must be confined simply to matters relating to the dispute.

ART. 76. Each of the arbitrators shall receive for his fee the amount assigned by the administrator or judge; the arbitrators shall themselves form an account of all other charges arising from the suit, and this, which can not be contested by the litigants, shall be paid one-half by each party.

## CHAPTER VI.

### GENERAL RULES.

ART. 77. After a surveyor has been appointed to perform a measurement, or any other survey, no other can be appointed for the same purpose, except under the circumstance of the first one having been objected to. When two surveyors are measuring adjoining lands they should come to an understanding before proceeding with the operations, agreeing as to the boundaries and true limits. If they do not agree, they shall institute an arbitration at the expense of the parties interested, so that in view of the antecedents of each one the arbitrators may decide on what is equitable.

ART. 78. Surveyors are those who have obtained their diplomas as such, the professors spoken of in Article 217 of the code of public instruction, and doctors of the faculty of science of the University of the Republic.

ART. 79. For the effects of this law, in the part applicable to the circumstances, the following are to be reputed as experts in land surveying: Bachelors of science and letters who are of age, and those citizens who, although not holding a literary diploma, are well known to possess competent knowledge of arithmetic, algebra, geometry, topography, linear drawing, and legal mensuration.

### SURVEYORS' FEES.

ART. 80. The fees which surveyors or experts may receive for their operations in surveys, resurveys, demarkations, divisions, and fixing the boundaries of lands, are whatever they may freely stipulate with the respective parties interested.

ART. 81. Failing any stipulation, the fees shall be arranged as follows:

(1) They shall receive \$1 per league for every league they have to travel to arrive at the field of operations, reckoning from the place of departure or from the residence of the surveyor.

(2) For inditing the proceedings and drawing the corresponding map, whether

of a survey, fixing boundaries, or division, they shall receive \$15, and the cost of the stamped paper used is on account of the interested party.

(3) They shall also receive 10 cents for every manzana of land when the area does not exceed 300 manzanas; but if it should exceed this number the excess shall be computed at 2 cents per manzana.

(4) If for the purpose of dividing a piece of land it should be necessary to remeasure it, the surveyor shall then receive the fees stated in paragraph 1 and in addition 20 per cent. on the total amount that the operation would cost were it a simple measurement; this on account of the proceedings for division, but if no remeasurements should be made, he shall charge only the 20 per cent.

(5) If the boundary marks of the land are fixed at the time the measurement is made, and the surveyor directs the operation, he shall receive \$2 for every boundary mark that he sets up; but if it should not be done until afterwards, and the surveyor has to go expressly to set up the marks, he shall receive in addition the fees of paragraph 1 and \$10 for drawing up the proceedings, to be increased to \$15 if he has to form the plot of the land.

ART. 82. The witnesses shall receive \$1 per day whilst they are employed, and the laborers and chain-bearers 50 cents. The surveyors, shall make out their accounts so that they may be paid by the party interested in the measurement.

ART. 83. The fees for the revision of proceedings of measurements and remeasurements shall be as follows:

(1) Ten cents for each leaf contained in the proceedings to be examined.

(2) Ten cents for each side of polygon that is examined in order to ascertain the exactness of their length, and to prove the correctness of the angles they form, and of their directions in relation to the true meridian.

(3) Twenty-five cents for every triangle comprised in the figure, and if any other method is employed, 20 cents for each side.

(4) Whenever, in order to verify a map, it becomes necessary to form a new one, the revisor shall receive in addition 50 cents for each side.

(5) Three dollars for the decision, if the writing does not exceed one sheet of paper, adding \$1 more for every extra sheet, and in addition the value of the stamped paper, if furnished by the revisor.

ART. 84. The present ordinance abrogates all previous laws bearing on lands.

Given in Tegucigalpa on the fifteenth day of the month of May, one thousand eight hundred and eighty-eight.

LUIS BOGRAN.

The Under-Secretary in Charge of the Ministry of Finance,

SIMEON MARTINEZ.

And by order of the President let the above be published and put in force.

MARTINEZ.

## Mexico.

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Immigration and colonization have been urged, promoted and encouraged in Mexico by every possible means. In Chapter IX of Bulletin No. 9 of the Bureau of the American Republics, published under the title of "Mexico," the following was said on this subject:

### LAWS RELATING TO IMMIGRATION AND COLONIZATION.

Mexico has made sacrifices to attract people to its shores, but its efforts in this behalf have not caused any considerable influx of foreigners to the country. Mexicans attribute this state of things to two causes, viz: the fact that free land is situated at considerable distance from means of communication, and that the country is not so devoid of native population as is generally supposed. The Indian lives on very little and can therefore afford to work for such paltry wages that foreign immigrants can not compete with him. When the general state of the country shall be such as to create a voluntary current of immigration, it is confidently believed that the Republic will reap the reward of its sacrifices; for it is a country where the immigrant, under the colonization laws, has the smallest amount of taxes to pay.

The first steps taken in the direction of inducing aliens to seek Mexico's fertile fields date back to 1827. In the year 1821 a law was enacted entitled "Prosperidad general" (general prosperity), in which special reference is made to the rapid growth of the foreign colony in the State of Texas. In the year 1846 the then Minister for Foreign Affairs, José M. Lafragua, presented to Congress a plan for legislation in which, *inter alia*, he spoke of "the neglect of colonization as a crime of high treason," and held out the flattering but delusive hope of establishing innumerable colonies to contain at least 50,000 persons. During the imperial period Señor Robles submitted to Congress plans of the same sort, as did also Señor Balcárcel in 1868, and Señor Riva Palacio in 1877; but up to 1882 no really serious practical efforts were made to attract immigration, and the results obtained up to the present are comparatively insignificant.



The colonization law now in force was enacted and promulgated on the 15th day of December, 1885. It comprises four chapters and thirty-one articles, the former being entitled, respectively, "Of the survey of lands;" "Of colonists;" "Of companies;" "General provisions."

The provisions of this law are, in substance, as follows:

For the purpose of securing lands suitable to the establishment of colonies the Executive will cause the waste or Government lands in the Republic to be surveyed, measured, subdivided, and appraised, appointing to this end the corps of engineers he may deem necessary, and determining the methods to be followed.

No subdivision shall in any case exceed 2,500 hectares (about 6,177 acres) in extent, this being the greatest amount of land which shall be conveyed to any one individual of lawful age and legal capacity.

The lands surveyed, measured, subdivided, and appraised may be conveyed to foreign immigrants and inhabitants of the Republic who may desire to establish themselves thereon as colonists, under the following conditions:

(1) By purchase, at the price set by the engineers and approved by the Department of Public Works, payable in ten years in equal installments, the first becoming due two years after the establishment of the colony.

(2) By purchase, the price being paid on entry, or in installments on shorter time than that provided in the preceding section.

(3) By gratuitous concession, when requested by the colonist; but in this case no cession shall exceed 100 hectares (about 247 acres), and the colonist shall receive no title to the same until he shall have shown that he has retained the land in his possession, and has wholly cultivated it, or to an extent not less than one-tenth of the whole, for five consecutive years.

So soon as there shall be lands suitable for colonization under the conditions herein provided, the Executive shall determine which should be settled at once, publishing the plats thereof and the prices at which they shall be sold, endeavoring in every case that the sale or gratuitous conveyance shall be of alternate sections. The remaining sections shall be reserved to be sold under the conditions prescribed by this law, when they shall be sought, or when the Executive shall so determine, the Executive being empowered to mortgage them for the purpose of raising funds, which, added to the proceeds of the sale of sections of land, shall be destined exclusively to the carrying out of colonization.

To be considered as a colonist and to be entitled to the privileges conferred by this law it is necessary that the immigrant, if a foreigner, shall come to the Republic provided with the certificate of the consular or immigration agent, issued at the request of the said immigrant, or of the company or corporation authorized by the Executive to bring colonists to the Republic.

Should the petitioner reside in the Republic, he must apply to the Department

of Public Works, or to the agents authorized by the said department to admit colonists to the colonies which shall be established in the Republic.

In every case petitioners must present certificates of the proper authorities setting forth their good character and their occupation previous to petitioning for admission as colonists.

Colonists settling in the Republic shall enjoy for the period of ten years, counted from the date of their establishment, the following privileges:

- (1) Exemption from military service.
- (2) Exemption from all taxes, except municipal.
- (3) Exemption from all import or domestic duties on articles of consumption not produced in the country, agricultural implements, tools, machines, outfits, building materials, household furniture, and animals for breeding purposes, and thoroughbreds for the use of the colonies.
- (4) Exemption, personal and nontransferable, from export duties on the products of cultivation.
- (5) Premiums on praiseworthy productions, and prizes and special protection for the introduction of new agricultural interests or industries.
- (6) Exemption from fees for the certification of signatures and issuing of passports delivered by consular agents to parties coming to the Republic as colonists by virtue of contracts entered into between the Government and any company or companies.

The Department of Public Works shall determine the number and kind of articles which in each case shall be admitted free of duties, and the Treasury Department shall regulate the manner of admission to prevent fraud and smuggling, but without retarding the prompt dispatch of the said articles.

Colonists settling on lands barren of trees, and who shall prove, two years previous to the lapse of the period of exemption, that on a portion of their section, which shall not be less than one-tenth thereof, they have laid out trees to a number proportionate to the land planted on, shall be exempt from taxes on the whole land for one year longer, and, in general, shall have exemption for one year further for each tenth part of their land so laid out.

The colonies shall be established under the municipal jurisdiction, subject, as regards the election of their authorities and the levying of taxes, to the general laws of the Republic and the laws of the State wherein they are established. The Department of Public Works may, however, appoint agents in said colonies for the purpose of better directing their labors and exacting the payment of the amounts which may be due to the federation for any titles conveyed.

Colonists are required to carry out their contracts with the Federal Government, or with the individuals or companies transporting or establishing them in the Republic.

Every alien immigrant settling in a colony shall, at the time of such settlement, declare before the Federal colonization agent, notary, or proper judicial officer, whether he proposes to retain his nationality, or desires to embrace Mexican citizenship, conceded him by the third section of Article 30 of the Constitution of the Republic.

Colonists shall be vested with all the rights and obligations which to Mexicans and foreigners, under like circumstances, are conceded and imposed by the Federal Constitution, besides the temporary exemptions conceded by this law; but all questions arising, of whatever character, shall be subject to the decisions of the courts of the Republic, to the absolute exclusion of all foreign intervention.

Colonists abandoning, without due cause, for more than a year, the lands which shall have been sold them shall forfeit the right to said lands and the amounts they may have paid therefor.

The right to a gratuitous title shall be forfeited by abandonment of the land or failure to cultivate it for more than six months without good cause.

One section shall be ceded without cost, in localities designed by the Federal Government for new settlements, to Mexican or foreign colonists desiring to found the same; but they shall not acquire the title to said section until they shall have shown that within two years from the foundation of the settlement they have erected thereon a house, and shall forfeit the right to said title in case of failure to so build. It is the purpose to cede such sections alternately.

The Executive is empowered to aid colonists or immigrants, within the appropriations to that effect made, whenever he shall deem it advisable, by furnishing them expenses of transportation for themselves and their baggage by sea and in the interior to the terminus of the railroad lines; he may further furnish them with free subsistence for fifteen days, and no more, in the localities he may approve, and also with tools, seed, building materials, and animals for work and breeding; these latter advances, however, shall be repaid in the same manner as the price of the lands.

The Executive may authorize companies to open up (habilitar) waste lands by measuring, surveying, subdividing into sections, appraising, and describing the same, and to transport colonists and establish them on said lands.

For the purpose of obtaining the necessary authorization, companies shall designate the waste lands they propose to occupy, their approximate extent, and the number of colonists to be settled upon them within a given time.

The proceedings incident to the demarkation or survey shall be authorized by the district judge within whose jurisdiction the waste land to be surveyed is situated; which done, and there being no adverse claimant, the record will be delivered to the company, to be presented to the Department of Public Works, where the other formalities demanded by this law must be complied with.

Should an adverse claimant present himself the case will be tried as hereinafter provided, the representative of the Federal Treasury being a party thereto.

In return for the expenses incurred by the companies in opening up waste lands, the Executive may cede them not more than one-third of the land thus opened up, or its value in money; but under the express conditions that they are not to convey such lands so conceded to foreigners not authorized to acquire them, nor in greater quantities than 6,177 acres, under pain of losing, in each case, the portions of land so conveyed in violation of said conditions, which portions shall at once become the property of the nation.

Lands surveyed by the companies, excepting such as may be ceded to the same in return for expenses incurred in opening them up, shall be conveyed to colonists, or be reserved under the conditions before mentioned.

Any authority conferred by the Executive for opening up waste lands shall be void and non-extendable whenever work thereon shall not have been commenced within the term of three months.

The Executive may contract with companies or corporations for the introduction into the Republic and the establishment therein of foreign colonists or immigrants under the following conditions:

(1) The companies shall fix the exact time within which they will introduce a determined number of colonists.

(2) The colonists or immigrants shall fulfill the conditions hereinbefore prescribed.

(3) The bases of the contracts the companies may make with the colonists shall conform to the provisions of this law, and shall be submitted for approval to the Department of Public Works.

(4) The companies must guarantee to the satisfaction of the Executive the carrying out of the obligations assumed in their contracts, which contracts must name the causes for which forfeiture and fines shall be imposed.

Companies contracting with the Executive for the transportation to the Republic and settling therein of foreign colonists shall enjoy, for a term not to exceed twenty years, the following privileges and exemptions:

(1) The sale on long time and at low price of waste or Government lands for the exclusive purpose of colonizing the same.

(2) Exemption from taxation, except the stamp tax, on capital invested in the enterprise.

(3) Exemption from port dues, except those set aside for improvements in ports, to all vessels that, on the companies' account, shall bring ten families, at least, of colonists to the Republic.

(4) Exemption from import duties on tools, machines, building materials, and animals for work and breeding, destined exclusively for an agricultural, mining,

or industrial colony whose establishment shall have been authorized by the Executive.

(5) Premiums for each family established and a second premium for each family landed; premiums for each Mexican family established in a foreign colony.

(6) Transportation of colonists at the expense of the Government on subsidized steamship and railroad lines.

Foreign colonization companies shall be considered as Mexican, being required to have a legal domicile in one of the cities of the Republic, without prejudice to their having one or more abroad; and they are bound to have at all times a local board of directors and one or more attorneys *de facto*, fully empowered to treat with the Executive.

All questions arising between the Government and the companies shall be decided by the courts of the Republic and according to its laws, without any intervention whatever on the part of foreign diplomatic agents.

Private parties setting aside any portion of their lands for the purpose of colonizing them, with not less than ten families of foreign immigrants, are entitled to have the same enjoy equal privileges and exemptions with the colonies established by the Federal Government, whenever they shall conform to the conditions imposed by the Executive to assure the success of the colony, and whenever among said conditions shall be one requiring said colonists to acquire, by purchase or cession, one section of land for cultivation.

The Executive may provide private parties with foreign colonists, by stipulating with them the conditions under which they are to be established, and may aid them by furnishing the expenses of transportation of said colonists.

The colonizing of the islands in both oceans shall be done by the Executive, subject to the provisions of this law, the Government reserving on each island 124 acres of land for public use. In case the island should not have the superficial area necessary for the reservation herein specified, no sale of land shall be made thereon, and said land may only be rented on short terms.

Colonies established on islands shall always include Mexican families to a number not less than one-half of the total colonist families.

The Executive is authorized to acquire, by purchase or cession, private lands, whenever he shall deem it expedient to establish colonies thereon, subject, however, to the appropriations to this end made.

The question of inducing aliens to settle in Mexico has awakened not only the interest of the General Government, but some of the State governments have given it much time and thought. Foremost among these is the government of the State of Veracruz. On the 25th of December, 1885, the legislature of this State passed a law founded upon that quoted on the preceding pages. This law authorized the governor to enter into contracts with owners of landed

property for the purpose of colonizing them under the law. All such owners entering into a contract are entitled to a rebate on their taxes at the rate of \$5 for every family settling on their lands who shall engage in agriculture and kindred pursuits. Owners of suburban lands receive a premium of \$5 for every fifteen foreign families established on their lands as colonists for an uninterrupted period of three years. Premiums are likewise offered for every new industry established in such colonies and to the colonist showing the largest area of land under cultivation. Many exemptions from taxes and contributions are granted. Every colony of fifteen or more families, definitely established in any locality in the State, is entitled to organize its own local police in accordance with law, and to solicit of the Government a subvention to carry out such public works as may be deemed necessary in the interest of the colony.

Notwithstanding the inducements offered by this law the total foreign population of the State of Veracruz at the beginning of the year 1888 was only 4,549, distributed over eighteen cantons, of whom 274 were Americans and 14 Africans.

Under the first-quoted law of the General Government some eighteen colonies have been founded, and from the years 1881 to 1888 public lands were surveyed by different companies to the extent of 36,578,780 hectares (about 90,386,165 acres). Of this area 11,958,348 hectares (about 28,549,078 acres) were conveyed to the companies for expenses incurred in the survey, 13,160,918 hectares (about 32,520,628 acres) were sold, and there remained to be disposed of 11,459,514 hectares (about 28,528,849 acres).

As before stated, there are eighteen colonies in the Republic. The latest obtainable statistics (1890) gives them as follows:

Colonies.	States.	Inhabitants.
Porfirio Diaz .....	Morelos .....	115
Manuel Gonzalez .....	Veracruz .....	402
Carlos Pacheco .....	Puebla .....	310
Fernandez Leal .....	do .....	390
Diez Gutierrez .....	San Luis Potosi .....	134
Sericultora .....	Mexico .....	152
La Ascención .....	Chihuahua .....	2, 204
Aldana .....	Federal District .....	111
San Pablo Hidalgo .....	Morelos .....	196
San Vicente de Juarez .....	do .....	83
San Rafael Zaragoza .....	do .....	124
Juarez .....	Chihuahua .....	650
Tapachula .....	Chiapas .....	93
Ciel de Leon .....	Oaxaca .....	10
Guanajuato .....	Guanajuato .....	37
Lerdo .....	Sonora .....	190
Topolobampo .....	Sinaloa .....	300
International Company .....	Territory of Lower California ..	933
	Total .....	6, 524

Among the foreign colonists Americans rank second in point of numbers, the Italians being first. The colonists devote themselves to the raising of cereals, tropical fruits, sugar cane, vanilla, tobacco, ramie, and the cultivation of the silkworm, according to the nature of the soil upon which they are established. The colony of 152 Mexicans in the State of Mexico is devoted exclusively to the cultivation of silkworms, and the success attained is gratifying.

The last-named colony, the International Company, owns an immense tract of land, estimated to contain 17,000,000 acres, situated in and around Ensenada de Todos Santos (All Saints Bay) in Lower California. This tract lies between the southwestern boundary of the United States and parallel 28° north, near the port of Santa Rosalia. The colony is being rapidly settled with foreign immigrants, mostly Americans. The soil is most fertile and adapted to the raising of fruits, cereals, and vegetables. Water is scarce, but artesian wells are being bored. Ensenada is 100 miles from San Diego, with which city it maintains telegraphic and telephonic communication. A railroad between the two localities is now nearly completed.

President Diaz, in a message to Congress April 1, 1892, refers to the work of the surveys as follows:

From September ultimo to the present date the surveying companies have completed their work in regard to 2,873,000 acres of vacant public lands in the States of Campeche, Yucatan, New Leon, and Sonora; and as a third part of that area has been granted said companies in compensation for the surveying expenses incurred by them, the private wealth of the States has been increased to that extent.

Arrangements have been made with different private individuals by virtue of which an area of 270,000 acres has been finally adjudicated to them. This has been done at their request, either because of some defect in the original titles, or for other reasons, and the National Treasury has derived therefrom a benefit of \$63,775, which has been used in redeeming bonds of the public debt.

One hundred and three grants of public lands have been made under the law of July 20, 1863. They cover an area of 395,000 acres, the value of which, according to the published schedule of prices, amounted to \$72,137. Such portion of this sum as goes to the National Treasury was paid in bonds of the public debt.

Upon the proper survey and division of such lands as are called "ejidos," and are situated around the towns and destined for the common use of the inhabitants thereof, 564 patents have been issued, which set at rest the title to an area of 17,500 acres.

The United States consuls at Guaymas, Matamoras, and Paso del Norte, in answer to a circular of the State Department of the United States, issued on the 16th of February, 1891, asking for information in regard to land and land laws in Mexico, submitted the following reports:

REPORT OF CONSUL WILLARD—GUAYMAS.

UNITED STATES CONSULATE,  
Guaymas, Mexico, March 23, 1891.

*The Bureau of the American Republics,  
Care Department of State, Washington, D. C.:*

In making a report on the laws of Mexico respecting sale, settlement, and condition of the public lands (baldios) of this consular district, which embraces five political divisions, or counties, of the nine which comprise the State of Sonora, Mexico, I am unable to give with exactness the data required (as the Government does not possess it) as to extent and locality of the public lands, which under the general laws of Mexico belong exclusively to the Federal Government. At this time no State holds in her own right the public lands within her boundaries.

The General Government of Mexico has from time to time in the last twelve years, without direct expense, made contracts with companies and individuals for the survey of the lands of the State, to separate the private from the public lands. The companies or individuals making said surveys and furnishing the same, presenting maps to the Government, etc., after approval, to receive as compensation, in most cases, one-third of the lands, the remaining belonging to the Government, to be open to purchasers at the prices fixed from time to time according to the locality and character of the land.

As all of these surveys in Sonora are not as yet completed, at least in the five counties or divisions of this consular district (Hermosillo, Ures, Sahuaripa, Guaymas, and Alamos), none of the public lands at this time in the counties mentioned are open to location and purchase.

The only survey that has been exclusively at the Government expense, as mentioned in my annual report on this consular district in the year 1887, is for the lands of the Yaqui Valley, which was done with the object of apportioning lands to the Indians who inhabit that section of country, defining the limits of the lands of the valley and town lands of the villages, and delivering to those who were cultivating the lands between the villages, or pueblos, titles to the same, the remaining lands in said valley unoccupied to be open to purchasers and colonization. Owing to delays and the continuance of the war with those



Indians, the Government has not placed those unoccupied lands (*baldios*), which are well adapted to the cultivation of sugar cane and cotton, on the market, but it is expected that it will soon be done.

The agricultural lands of Sonora, apart from the mountainous districts, are confined as a rule to the valley or bottom lands of the valleys and streams, where water can be obtained for irrigation, and nearly all are held by private persons with titles, the proportion being about one to ten. The remaining portion held with titles is table-lands and mountain lands, suitable for stock ranges.

In reply to the inquiry contained in the circular as to the law respecting the sale and settlement of the public lands: The first general law of the Federal Government of Mexico on this subject was issued July 20, 1863. In Sonora, as well as in other States, it provided that titles would be granted by the General Government to unoccupied public lands at a nominal price to citizens who applied for them, limiting the amount to 2,500 hectares (about 6,000 acres) for each person, paying at the rate from 12 to 25 cents per hectare (2.47 acres), but with the condition and obligation that said lands should be occupied and populated by at least one person for each 500 acres, and certain improvements made. Complying with these conditions for ten years after the title and possession was given, the person then acquired a perfect title in fee simple to the land; failing to do this the land reverted to the Government and the title was revoked. About half of the many locations of land made in Sonora under this law acquired perfect titles before the Government entered into contracts for the survey of what remained of the public lands. In the contracts made for the surveys of the public lands, after the surveys were finished the concessionaries could people the lands belonging to them by colonists, under the privileges granted by the colonization laws, which exempted the colonists for a period of years from taxes and other privileges, etc.

In reply to inquiry as to the extent of unoccupied land and character: It is estimated that in the State of Sonora there is approximately about 16,000,000 acres of public lands. Mineral and pasture lands, and they can be classed for the most part, as "waste or refuse lands" (with the exception of the mountainous districts), having little water and slight pasturage, but with a proper system of storing water, would make agricultural lands of excellent quality. The amount of the unoccupied public lands in this consular district in the five counties mentioned can be estimated, approximately, at 6,400,000 of valley, mountain, and table-lands.

In reply to the question as to the limit of land that may be acquired or secured by purchase, lease, or colonization: There is no limit according to the concessions granted to companies of late years and there is no law limiting the amount which an individual may purchase.

(Of the amount of the public land mentioned, one-third at least is held by the surveying companies, pending the completion of their surveys and approval of their maps by the Government.)

Regarding the inquiry as to preëmption or homestead laws: There is no special homestead law as to land, no exemption of lands from being attached for debt by persons holding them.

In reply to inquiry as to the sale of mining, timber, and agricultural lands and the price and recognized value of said lands: There is a difference in the prices according to the classification, which the judges or boards appointed to value them may make. The right to the mineral in the land, of precious and base metals, is held by the Government, and not transferred with the lands, excepting coal, which, under the mining code of Mexico to-day, is part of the land the same as timber. The public lands are classified under three valuations: First class, \$1.10 per hectare; second class, 75 cents, and third class, 50 cents, and can be paid for in Government bonds, which vary in price from 25 to 50 cents per dollar in silver.

In reply to the inquiry if any distinction is made in the public land laws between citizens and aliens: There is no distinction made as to the right to purchase. The citizens of the nations bordering on Mexico north or south (United States and Guatemala) can not acquire by denouncement and receive titles direct from the General Government for public lands in the frontier States, but can obtain them by purchase from persons holding them with Government titles. In the zone along the frontiers north and south of Mexico of a width of 60 miles, no foreigner of any nationality can hold real estate excepting by special permission of the Mexican Government, which must be given in each individual case, but the control of lands in this prohibited zone has been acquired in some cases by leases.

In reply to the inquiry whether attempts have been made by the Federal Government or provincial authorities to encourage immigration and how far have they been successful: Under the Mexican law of colonization inducements are held out to persons in foreign countries to become colonists. Under the contracts for surveys of public lands the concessionaries have the privilege of populating their lands by persons who can settle them as colonists under this law; but in Sonora and in this consular district as yet no success has followed the inducements offered, but may when the surveys are finished.

In reply to inquiry as to where do the immigrants come from and the class and character: The future may give the reply to this inquiry when the waste lands are peopled and homes made on the plains and in the mountains of Sonora.

A. WILLARD,  
*Consul.*

EXTRACTS FROM REPORT OF CONSUL RICHARDSON, U. S. CONSUL AT MATAMORAS,  
MAY 13, 1891.

Under Department instructions of February 10, 1891, I have the honor to transmit to the Bureau of American Republics the few facts that I have been able to obtain upon the subject contained in the circular of that date.

The laws of the State of Tamaulipas are the laws of the Republic, with such supplementary statutes as are necessary to interpret and apply these laws to local conditions and needs. I am informed that there are no laws in any way conflicting with the laws of the nation as recorded in Hall's Mexican Law, and that there has been no legislation of any significance since the date of that work.

The extent of unoccupied lands in Mexico has not yet been fully ascertained. From time to time new surveys are completed and additions made to the acreage of lands offered for sale. According to the best authority at hand, it is supposed that the unoccupied lands can not fall far short of 90,000,000 acres. These are agricultural, mineral, grazing, and timber. Those found in Tamaulipas are either grazing or arable, and in most cases both. There are no barren lands in the State, unless in places along the coast. They are of general if not unsurpassed fertility.

There are no homestead laws. In 1863 a preëmption law was enacted which, with some modifications, remains in force to the present time. Under this law all lands of the Republic which have not been set apart to public use nor granted to any individual or corporation authorized to acquire these, are considered public lands. These lands may be denounced by any inhabitant, citizen, or alien of the Republic entitled to denounce, save the native and naturalized citizen of those nations bordering on the Republic, who can in no way, save by special concession, acquire public land in the border States. The limit of these land acquisitions under denouncement is 2,500 hectares, or about 6,200 acres. The price of these lands is nominal and is fixed from time to time by the General Government. This law covers agricultural, grazing, and timber lands. Mining and mineral lands are acquired in much smaller quantities and under a different code.

The public lands in Tamaulipas are divided into three classes and are quoted as follows per hectare: First class, 75 cents, Mexican; second class, 50 cents, Mexican; third class, 30 cents, Mexican.

The law making it difficult for Americans to acquire real estate within 50 miles of the frontier has been instrumental in retarding the development of these frontier States. This law, to be sure, is only a police regulation intended to

prevent any further loss of territory to the United States through violation of national hospitality, and not to keep out bona fide settlers. Permission to purchase land would doubtless in nearly all cases be readily granted to reputable persons applying for it to the Federal authority. Still the law serves as a scarecrow, and the very people do not come whose coming would materially increase the wealth and prosperity of the country. There are extensive private lands offered for sale in this State where water can be had, and the soil is good.

There have been several attempts by the Federal Government to colonize, which, though expensive, have measurably failed, owing largely to the speculators who undertook to provide immigrants. The little French colony at Jicaltepec, in the State of Veracruz, whose chief industry is the raising and preparation of vanilla for market, is an exception. Here, even in one of the hottest of Mexican States, a European colony thrives. The matter of climate has presented some obstacles. It has been found as a rule inexpedient to colonize with Europeans or Americans in the *tierras calientes*. The terrace or table lands, where the Indian races of Mexico thrive best, and where there are fewer lands open for settlement, are best adapted to those people most willing to come and best fitted to become good and prosperous citizens. The Government a few years ago made an agreement with China for the encouragement of wholesale immigration for the purpose of settling up the hot lands. Of all people the Chinese were found most serviceable for these lands, but this scheme fell through; for what reason I do not know, but doubtless the California prejudice found its way along down the coast. When bona fide immigrants from China can be obtained—agricultural laborers, artisans, etc., come with their families and with a determination to remain—they make the best of all colonists.

The attempts of the Government to encourage immigration apart from schemes of colonization have been moderately successful. This matter has been fully reported upon by Minister Morgan, August, 1883, and Consul-General Porch, January 12, 1887. Nothing has been accomplished since these reports were made in the State of Tamaulipas. The General Government has a contract with a company of surveyors to survey the various ranches and haciendas of the State for the purpose of fixing the bounds of vacant lands. This company is also expected to promote immigration, but as yet nothing has been done and no laws have been enacted to attract immigrants.

The immigrants in the State of Tamaulipas are few. I do not know of any attempt at colonization, and those foreigners here are chiefly merchants and tradesmen from Germany, France, Great Britain, and the United States. The American element here is almost wholly from the Southern States, and has been largely long resident. I have not observed any anxiety for immigration. The masses of the people appear to shun newcomers and innovations.

It is a common remark, "If you wish to scatter the population of a town build a railroad through it." In an exaggerated way this remark illustrates a characteristic disposition of the people.

I think that the people have the good sense to understand that the country must depend for its future development upon foreign capital and foreign enterprise, and while they do not evince much alacrity in adjusting themselves and their institutions to foreign ideas, would be loath to have anything done to discourage a peaceful commercial invasion. All who desire to become citizens are most cordially welcomed. Naturalization is made easy. Six months before presenting a petition for naturalization the foreigner must formally renounce his allegiance to any foreign power. He must continue to reside in the Republic for two consecutive years, after which, on proving that his Government has no legal claim on him which interferes with his right to change his nationality, that he can support himself, and that he does not rest under a criminal accusation, he becomes a Mexican citizen. The children of foreigners, if born in Mexico and are purchasers and settlers upon Mexican lands, are considered citizens unless they declare in writing that they prefer to retain the nationality of their parents. Colonists or immigrants brought into Mexico at the expense of the Government are bound to become Mexican citizens. All others residing in Mexico enjoy every right possessed by Mexicans, save political rights, as well as every privilege secured by treaty.

In closing this report, I find that I have not confined myself to the State of Tamaulipas, but have allowed my comments a wider range. The paucity of data and similarity of conditions are the excuses I offer. I wish to remark in connection with these subjects that there is one great difficulty in the way of our fellow countrymen acquiring property or becoming happy settlers in Mexico, and that is the distrust, if not positive dislike, which all Mexicans feel for Americans. It grows out of the bitter recollections of the annexation of Texas, the North American invasion, the rejection of the Grant-Romero treaty, and the wounded pride and jealousy which is felt by all people of the emasculated Latin civilization for those of the more virile and triumphant Saxon. It is said that Juarez, when Mexico was overrun by European armies and he himself was a fugitive at Paso del Norte, looking off toward the north said, "After all, there are the enemy." This saying is significant. It is the text from which our policy of international comity and trade must be drawn. With patience, frankness, and the simple purpose of benefiting ourselves by benefiting Mexico this feeling of distrust will measurably disappear and we become neighbors actually as we are geographically.

## 112 LAWS RELATING TO IMMIGRATION AND PUBLIC LANDS.

EXTRACTS FROM REPORT OF CONSUL SAMPSON, UNITED STATES CONSUL AT PASO DEL NORTE, MEXICO, OF JUNE 17, 1891.

Nearly one-third of the lands of the Republic are unoccupied. Some of them are almost worthless, while a greater part are susceptible of being used for agricultural and pastoral purposes; others, no doubt, are rich in minerals; while magnificent forests of mahogany and other trees are yet unoccupied.

Every inhabitant of the Republic, native or foreigner, has a right to secure 2,500 hectares (or 6,177 $\frac{3}{4}$  acres) of government lands, with the exception hereinafter referred to.

This only refers to the purchase of public lands and not to the colonization law. The Government, in order to increase colonization, enters into contracts with foreign companies, giving them lands which are contiguous to bordering countries, as well as other lands. Such favorable concessions can be secured as to make leases undesirable.

Timber and agricultural lands are governed by the laws hereinbefore referred to in all purchases and concessions, while the mining and mineral lands are secured by compliance with the "Código de Minería," issued November 28, 1884, which contains *in extenso* all the requisites necessary to secure and hold these. In the main they are very similar to the provisions of the United States laws, requiring location, name of claim, name of location, staking claim, digging shaft 4 feet by 10 feet in vein to disclose mineral, survey, if contest how disposed of, etc. The first step is the "denouncement."

No patent can be secured, but a mine is held by constantly working six men in the same. A failure for four weeks in the year to do this makes it subject to relocation.

The price of lands is different in each of the States of the Republic, and as it is fixed by the Government it is supposed to represent its correct value.

Each year the Government reforms the tariff of prices of lands and divides them into three classes. In the State of Chihuahua (I know not as to others) each hectare (nearly 2 $\frac{1}{2}$  acres) of land, first-class, is worth 75 cents; second-class, 50 cents; and third-class, 30 cents.

The laws governing lands in this Republic make no distinction between foreigners and Mexicans.

There is only one limitation for foreigners. They can not acquire lands inside of 20 leagues (60 miles) from the frontiers of the Republic.

The Government is very much interested in foreign immigration, as evidenced by her colonization law giving immigrants various privileges, such as the exemption of duties on goods they may import, the exemption from Federal taxes, also those imposed by the States and counties. These laws are giving satisfactory

results, as is proven by the establishment of various foreign colonies within the State of Chihuahua and others of the Republic.

The immigrants come principally from the United States, next Germany, quite a number from China. Those from the United States are miners or farmers. They are, as a rule, industrious and well disposed. The Germans generally enter the commercial world. The Chinese are in great demand as cooks. As a rule, immigrants to the Republic have means enough to make a success.

#### PRICES OF PUBLIC LANDS.

Under provisions of law the Secretary of Public Works publishes every two years the prices at which Government lands may be purchased. The following table shows the price per hectare (2.471 acres) for land of each class for the period 1891-'92.

States and Territories.	First class.	Second class.	Third class.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
Aguascalientes.....	2.25	1.50	1.00
Campeche.....	1.65	1.10	.75
Coahuila.....	.75	.50	.30
Colima.....	2.25	1.50	1.00
Chiapas.....	1.55	1.10	.75
Chihuahua.....	.75	.50	.30
Durango.....	.65	.50	.30
Guanajuato.....	3.35	2.25	1.50
Guerrero.....	1.10	.75	.50
Hidalgo.....	2.25	1.50	1.00
Jalisco.....	2.25	1.50	1.00
Mexico.....	3.35	2.25	1.50
Michoacan.....	2.25	1.50	1.00
Morelos.....	4.50	3.00	2.00
Nuevo Leon.....	.75	.50	.30
Oaxaca.....	1.10	.75	.50
Puebla.....	3.35	2.25	1.50
Querétaro.....	3.35	2.25	1.50
San Luis Potosi.....	2.25	1.50	1.00
Sinaloa.....	1.10	.75	.50
Sonora.....	1.10	.75	.50
Tabasco.....	2.00	1.50	1.00
Tamaulipas.....	.75	.50	.30
Tlaxcala.....	2.25	1.50	1.00
Veracruz.....	2.75	1.85	1.25
Yucatan.....	1.65	1.10	.75
Zacatecas.....	2.25	1.50	1.00
Federal District.....	5.60	3.75	2.50
Territory of Tepic.....	1.65	1.10	.75
Territory of Lower California.....	.65	.40	.25

Lands of the first class comprise such as are situated near a railroad, a populous city; such as can be irrigated, and all offering special advantages to agricultural and other interests. In this class are also included lands covered with fine woods, dye woods and plants, and those containing minerals.

Second-class lands are those distant from means of communication, those where but one crop a year, sown before the rainy season, can be raised, and those suitable for cattle-raising.

All other lands not included in the above classes are in the third class.



## Nicaragua.

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The laws of Nicaragua in regard to colonization and immigration are very liberal. Foreigners can acquire real estate and dispose of it as freely as the Nicaraguan citizens. The provisions of the naturalization laws are also simple and liberal. Immigration has not as yet been carried on to such an extent as the Government and people of the Republic could wish; but no efforts are omitted to encourage it and push it rapidly to success.

The following is the text of the principal laws of Nicaragua having a bearing on the subject, with which the Bureau of American Republics has had any opportunity to become acquainted:

### LAW ON THE ACQUISITION BY ALIENS OF REAL ESTATE IN THE REPUBLIC OF NICARAGUA.

The President of the Republic to the inhabitants of the same:

Whereas some difficulties may be encountered in the carrying into effect of the provisions of the decree of March 30th of the present year, concerning the acquisition of real estate by certain foreigners,

I do therefore decree:

ARTICLE 1. All foreigners shall have the power, without losing thereby their own nationality, to acquire public unoccupied lands on the same terms and conditions as required by law from the citizens of Nicaragua.

ART. 2. The decree of March 30th of the present year and all other provisions heretofore enacted in regard to public unoccupied lands, which may in anyway oppose the present decree, are hereby repealed.

P. JOAQUIN CHAMORRO.

MANAGUA, *May 8th, 1875.*

## LAND AND COLONIZATION LAW.

Decreed by the senate and the chamber of representatives of the Republic of Nicaragua :

ARTICLE 1. The Executive shall have authority to give to each family of immigrants, coming from the United States, or of any other nationality whatsoever, with the purpose of settling in the Republic, and becoming naturalized, a tract of public unoccupied lands not exceeding 120 manzanas; the said tract to be more or less extensive, within said limits, according to the number of persons composing the family. Single persons shall be allowed not more than 60 manzanas each.

ART. 2. The immigrants herein referred to shall enjoy the same rights and privileges as native citizens in regard to commons and common lands. They shall be exempted, also, for the period of 10 years, from municipal charges and from military service, unless such service is required for the preservation of the liberty and sovereignty of the Republic.

ART. 3. The lands which shall be granted under the present law shall not be allowed to be sold, unless at least one-half of the area thereof be already under cultivation, and the grantee has become naturalized in due form of law.

ART. 4. The Executive shall have also the power to grant similar concessions of lands to foreign immigrants, coming to Nicaragua and who desire to preserve their respective citizenship; but these concessions shall not transfer to these immigrants the right of ownership of the land, but shall place them in the position of mere tenants or beneficiaries. The same shall be the case with those immigrants who come to the Republic with the purpose of becoming naturalized, but do not carry their intentions into effect within the period established by law. This right shall last for only 10 years, and shall not be transmissible to third parties, except by inheritance, unless at least half of the ground granted has been placed under cultivation. At the expiration of the 10 years the right shall cease, whether the land be in the possession of the immigrant himself or of a third person. The ten years shall be counted from the date in which the tract of land is delivered to the grantee.

ART. 5. No immigrant shall be entitled to the privileges of the present law who does not come provided with a passport issued in his favor by a Nicaragua minister or consul residing in the country from which he comes, which passport shall be issued according to the instructions already given or hereafter to be given by the Government.

## NATURALIZATION LAW.

The President of the Republic to the inhabitants of the same:

Know ye that the Congress has enacted the following:

Decreed by the Senate and Chamber of Deputies of the Republic of Nicaragua:

ARTICLE 1. Nicaraguan citizenship may henceforth be acquired by foreigners, in addition to the regular method by which congress is authorized to grant it under section 9, of article 41, of the constitution, in the following ways:

(1) If the applicant is a Central American, upon proof of his residence for one year within the Republic.

(2) If the applicant proceeds from any other Spanish-American Republic, upon proof of the same residence for two years; and if he is a foreigner of any other kind, four years' residence shall be required.

ART. 2. It will be sufficient for the Central Americans, after their one year's residence has been completed, to state their desire to become naturalized in the Republic; but all other Spanish Americans shall be bound to make a declaration of their intention to become such citizens of Nicaragua. All other foreigners shall make this declaration one year before.

ART. 3. Such Central Americans, Spanish Americans, and all other foreigners as have resided in the Republic, before the promulgation of the present law, the length of time required in the preceding article shall only be required to declare their intention to become naturalized before the authority designated in the next following article.

ART. 4. The declaration of the purpose to settle in the Republic and become invested with all the rights of a citizen of Nicaragua shall be made to the city corporation or to the local authority of the place in which the applicant wishes to be domiciled.

ART. 5. The city corporation, or local authority, as the case may be, shall enter the application on the journal or book in which its respective proceedings are recorded, whereupon a proper certificate thereof shall be furnished the applicant, and a notice in writing shall be also given to the prefect of the department. At the expiration of the time required, upon proper evidence of the fact of the residence, a certificate shall be issued in favor of the applicant, which shall be full evidence of his being a naturalized citizen of Nicaragua.

## Paraguay.

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Paraguay was almost entirely devastated by a war in which her population had been nearly exterminated. The most reliable statistics assert that at the end of her struggle with the allied forces of Brazil, the Argentine Republic, and Uruguay, heroic Paraguay was left with no more than 20,000 men in the whole country. But patriotism, as well as perseverance and intelligence, have caused that country to revive in such way, during the twenty years elapsed since the termination of the war, as to give fair promise that it will reach before long the degree of prosperity to which it is entitled by its climate and its natural wealth.

The country is making considerable progress, immigrants are coming in, capital and labor find employment, and under the encouragement of the Government every possible effort is being made to develop its wonderful resources. The public lands, and those which were left ownerless by the extermination of the inhabitants, have passed into the hands of an English syndicate which holds the bonds of the country. This syndicate is doing much towards colonizing the country, and in a few years Paraguay will doubtless be resettled and resume her place among the prosperous nations of America.

The measure which has done the most good in this direction is the land law (*ley de tierras*) enacted in 1885. The terms on which the purchase of these lands can be made are so liberal, and the prices fixed for the several classes thereof are so low, that no foreigner, whatever his nationality may be, can fail to be induced, if he have any means or inclination in this direction, to make a

trip to Paraguay, and invest capital in Paraguayan lands, whether for purposes of improvement and settlement, or merely as a matter of speculation.

Mr. E. L. Baker, United States consul at Buenos Ayres, made the following translation of the law above mentioned. In forwarding this translation he said that he had personally visited some of the lands referred to in that law, and that in his opinion the prices assigned to them were remarkably low.

ARTICLE 1. The Executive is hereby authorized to sell the public lands, in accordance with the stipulations of this law.

ART. 2. The public lands shall be divided into five classes, as follows :

(1) Lands of the first class are those in the following departments: San Lorenzo del Campo Grande, San Lorenzo de la Frontera, Ipane, Guarambare, Villosa, Villa Oliva, Villa Franca, Villa del Pilar, Villa Humaita, Luque, Limpio, Emboscada, Arroyos y Esteros, Villa del Rosario, San Estanislao, Villa de San Pedro, Villa de Concepcion hasta el Aquidaban, Aregua-Capiata, Ita, Itaugua, Pirayu, Yaguaron, Altos, Atira, Tobati, Caacupe, Barrero Grande, Caraguatay, San José, Itacurubi de la Coadillera, Valenzuela, Ibitimi, Paraguari, Acahay, Carapegua, Tabapy Quiiadi, Ibicui, Caapucu, Quiquio, Mbayapey, Villa Florida, San Miguel, San Juan Bautista de las Misiones, Villa Encarnacion, Caazapa, Ihacanguazu, Villa Rica, Itape e Itacurubi del Rosario.

(2) Lands of the second class are those in the following departments: Pedro Gonzalez, Laureles, Yabebiry, Desmochados, Tacuaras, Guazucua, Isla Ombu, San Ignacio, Santa Maria, Santa Rosa, Santiago, San Cosmo, Bobi, Carmen del Parana, Jesus y Trinidad, San Pedro de Parana, Ytu, San Juan Nepomuceno, Mbncayaty, Yatahity, Hiaty, Ajos, Carayao, San Joaquin, Union, Horqueta, San Juan Bautista de Nembucu, Lima y Tacuati, and the territory stretching from the confluence of the Aquidaban and the Paraguay to the Rio Apa, lands in the latter territory to be sold with an area five times the frontage solicited on the Paraguay.

(3) Lands of the third class are those comprised between the Pilcomayo and Villa Concepcion in the Chaco territory fronting the Rio Paraguay and at a depth of 10 leagues inland.

(4) Lands of the fourth class are those situated in the Chaco from Villa Concepcion to a distance of 10 leagues inland, and thence 20 leagues of the belt of territory comprised between the Pilcomayo and Villa Concepcion.

(5) Lands of the fifth class are those not included in third or fourth.

ART. 3. The price of the lands of first class is hereby set down at 1,200 hard

dollars in public funds per square league, the lands of second class at 800 hard dollars, the third class at 300 dollars, the fourth class at 200, and the fifth class at 100 dollars.

ART. 4. The purchase of the lands can be effected in four yearly payments; the first to comprise 25 per cent of the total amount, and to be paid at the Junta de Credito Publico in legal-tender money or in public-fund bonds, and with the intervention of the contador general. For the other payments three bills, to order of the junta, and at terms of one, two, and three years, with an interest of 6 per cent shall be signed.

ART. 5. All payments after the passing of this law for sales or renting of land in the fiscal territories shall be made in legal-tender money or in public-funds bonds.

ART. 6. Buyers are at liberty to pay their bills at any time with a reduction of 12 per cent per annum from the day of payment.

ART. 7. On the drawing up of the title deeds, the properties shall be mortgaged in favor of the State until expiration of term of payment.

ART. 8. To pay off the mortgage, the interested parties shall present at the ministry of interior their bills, and the necessary orders shall be issued to the registrador for the corresponding payment.

ART. 9. In case of nonpayment of bills at expiration of term the corresponding properties shall be sold. The Junta de Credito Publico shall sell these properties without the obligation of applying for judicial authorization. Thirty days' notice must be given in the papers that those properties are to be sold by auction. If the bills be paid a day at most before the auction takes place, under the conditions specified, the interested parties shall receive the properties, paying the cost of advertising, etc.

ART. 10. Pasture lands alone can be sold in fractions of not less than half leagues, the price to be paid in proportion. Interested parties in Chaco lands shall purchase an area with depth ten times the frontage solicited.

ART. 11. Purchasers of fractions in the Chaco lands shall be entitled to a reduction of 50 per cent on the price stipulated in Article 4, on the condition that during the term of payment twenty-five European families (a family comprising three persons) be settled on the lands in question.

A fraction of lot, in reference to the preceding article, is understood to consist of one league front by 10 deep.

ART. 12. In case of several applicants for the purchase of lands, an auction shall be held, upset price being the amount stipulated, Article 3. Thirty days' notice must be given in the papers to this effect.

ART. 13. Lands that are not to be sold are the following: (1) Those lands

especially excepted in virtue of previous laws. (2) Those lands which the Executive may deem adapted for colonization purposes.

ART. 14. The following prices are the rents: \$250 for first class; \$200 for second class; \$150 for third class; \$100 for fourth class. Payments to be made in legal-tender notes or in public-fund bonds.

ART. 15. One year after the promulgation of this law, settlers who may not have purchased the land they occupy shall pay at the rate of 25 cents per square (cuadra) per annum, being at the same time entitled to buy the lands they occupy in preference to any interested party.

• The official paper (*Diario Oficial*) of Paraguay, in its issue of March 26, 1892, published a statement of the immigrants arrived in Paraguay, through the port of La Asuncion, during the year 1891.

The total number was 448, distributed as follows:

Germans .....	59	Argentine .....	9
Austrians .....	48	Boilivians.....	2
Italians.....	129	Belgians.....	3
Spaniards.....	83	Brazilians.....	3
French.....	95	Uruguayans.....	2
English.....	9	Portuguese.....	1
Swedes.....	1	Swiss.....	3
Roumanians.....	1		

The President of the Republic in his annual message to the Paraguayan Congress of April 1, 1892 refers to the subject of immigration and colonization in the following way:

We have had this year less immigrants than in the past, the fact having been noticed not less in our country than in all others on the River Plate. But the 1,429 immigrants who, through different ports have arrived in the Republic, are most of them agricultural people, and have come with their families and with the intention of settling here forever. A large number of them have established their homes in the interior of the country and, attracted by the fertility of the soil, have engaged in its cultivation; and in reality there are few places, if any, no matter how remote, where a foreigner can not be found.

As we are little favored in this respect by our geographical position, we have to spend money and make liberal concessions if we wish to attract to our country the healthy and vivifying currents of immigration.

Under the flattering auspices of our law of colonization, which is one of the

most generous and hospitable ever enacted in South America, we may invite immigration to our country, but we must be prepared to receive it by setting apart the proper area of fertile and well-situated lands, where colonies may be founded upon the arrival of the immigrants.

Besides paying the expense of their transportation to our territory, we must deliver to them, already surveyed and with their limits well marked, the lots of ground which they are to cultivate, and we must, furthermore, provide for their support, as it has been done by the colony Presidente Gonzalez, at Caazapa, until they are able to attend, by themselves, to their necessities from the produce of the lands.

We have now six colonies in a flourishing condition, and their productions begin to make a conspicuous figure in our domestic consumption and in our commerce of exportation.

The colony named "Villa Hayes" has large plantations of sugar cane, and many farms devoted to the cultivation of maize, tobacco, beans, and fruit trees. It has also two distilleries.

The colony of "Nueva Germania" has some important plantations of sugarcane, and farms of tobacco, maize, coffee, mandioca, etc.

The colony named "Risso" has large cotton and coffee plantations.

The colony of "San Antonio," which is the property of the Paraguay and River Plate Bank, 6 miles from the capital, has abundant plantations of sugarcane, and farms for the cultivation of maize, tobacco, and vegetables and fruits of all kinds.

The colony called "San Bernardino," which has become of such importance as to be no longer a colony, and manages its own public affairs through a municipal body and a justice of the peace, has afforded the Government the legitimate satisfaction of showing by practical facts that all the promises made by law to the colonies, are faithfully complied with, as soon as the said colonies begin to have a life of their own.

The colony called "Presidente Gonzalez," situated on the very line of the railroad to Villa Encarnación, has land whose fertility can not be surpassed, covered with virgin forests, and crossed everywhere by streams. Although recently created, it has already 26 foreign colonists with families, and very nearly 300 natives, all of them engaged in agriculture. The area of the colony is 36 square miles.

To promote still further the prosperity of this new center of population, the railroad company has established a station there, and agreed with the Government to reduce by 50 per cent the freight to be paid on all productions of the colony. This reduction will be made for five years and will cheapen and other-



wise facilitate the transportation of the products, either to our own markets or to the ports where they are to be shipped for foreign countries.

In regard to colonization through private enterprise we can judge of its success from the Casado establishment at El Chaco, and the colonies called Fives Lille at San Pedro, Rivas at Emboscada, and Villa Sana at Concepcion. They all have large coffee plantations, and are engaged besides in a very large as well as profitable timber business. They have a large number of laborers and constitute for all practical purposes centers of population.

Two model agricultural colonies will be established, within a very short period, in lands belonging to the Government, one at Santa Clara, in the department of Caazapá, and the other at Villa Oliva. We must not be deterred from carrying out these plans through reasons of economy, because no expense is more urgently demanded than that which is required to accomplish this purpose, nor can any other be found which is more retributive and more conducive to establish upon substantial bases the future power and wealth of the nation.

A penal colony which has been thought of as a means to repress vagrancy, which in the rural districts has assumed alarming proportions, will also be established in the Department of Rosario.

After the publication of the above message the Bureau of American Republics received officially a document entitled "Information on the President Gonzalez Colony at the department at Caazapá," from which the following is extracted:

#### GUARANTEES AND RIGHTS OF THE INHABITANT.

##### *Constitution of November 24, 1870.*

ART. 18. All the inhabitants of the Republic enjoy the following rights, according to the laws that rule their exercise: Trade and navigation; to work and exercise every class of lawful industry; to meet together peacefully; to petition the authorities; to enter, remain in, travel in, and retire from, Paraguayan territory without passports; to publish their ideas in the press without previous criticism; to use, to dispose of, their property; to associate themselves for useful ends; to profess freely their worship; to teach and learn.

ART. 19. Property is inviolable, and no inhabitant of the Republic can be deprived of it unless by virtue of a sentence founded on law. Expropriation for public utility must be qualified by law and previously indemnified. Congress alone can impose contributions expressed in Article 4, and, without its

special authorization to do so, such imposition is prohibited to any authority or person whatsoever.

No personal service can be demanded unless by virtue of law or sentence founded on law.

Every author or inventor is exclusive owner of his work, invention, or discovery for the period that the law allows him. Confiscation of property is forever done away with by the penal code of Paraguay, also the penalty of death for political offences. No armed body can make requisitions or compel any kind of assistance without compensation.

ART. 20. No inhabitant of the Republic can be punished without previous judgment founded on law made before the offence under process, nor be judged by special commissions, except as arranged by Article 11.\* No one can be forced to declare against himself, nor be arrested without the order of a competent authority, nor detained more than 24 hours without his offence being communicated to him; nor can he be detained except in his residence, or in public places destined to that object.

The law considers as innocent those who have not been already declared guilty or legally suspected of being so by an act issued by a competent judge.

ART. 21. The defence of persons and actions on trial is inviolable.

The domicile is inviolable, as also written correspondence and private papers; the law determines in what case and under what justification a forcible entry and occupation may be proceeded with. All kinds of torture and flogging are abolished. Prisons should be healthy and clean for the security and not for the mortification of prisoners detained in them. For any measure that, under pretext of precaution, conduces to mortify them further than is necessary to their security, the authorities who authorize it will be held responsible.

ART. 22. Excessive bail shall not be imposed, nor disproportionate fines.

ART. 23. The private acts of a man that in no way offend the public order or morality, nor prejudice a third party, are reserved for the judgment of God and are exempt from the authority of the magistrates.

No inhabitant of the Republic can be obliged to do what the law does not order, nor be deprived of what is not thereby prohibited.

ART. 24. The liberty of the press is inviolable and no law shall be passed that in any way deprives it of this right.

In the offences of the press a jury can alone understand, and in causes and demands brought on by publications in which the official conduct of public employés is censured, proof of the facts shall be admitted.

ART. 25. In the Paraguayan Republic there are no slaves. If any exist they

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\* In criminal cases the right to be tried by a jury is assured to all and will always remain inviolable.

become free on this constitution being sworn, and a special law shall determine the indemnization to which this declaration may give rise. Slaves by any means introduced become free merely from the fact of having trodden Paraguayan soil.

ART. 26. The Paraguayan nation does not admit prerogatives of blood or of birth; personal privileges and titles of nobility do not exist. All her inhabitants are equal before the law and are admissible to any employment with no other condition than capacity. Equality is the base of taxes and public burdens.

ART. 27. The electoral right of the citizen is inviolable, and the President and his ministers are prohibited from all direct or indirect official interference in popular elections.

Any city or country authority that, on his own account, or obeying orders from a superior, exercises direct or indirect coercion on one or more citizens, commits an offense against the liberty of election and is responsible individually before the law.

ART. 28. Any person is empowered in the Republic to arrest an offender surprised in the execution of the offense, and to conduct him before the authority to be immediately delivered to the competent judge.

The citizen is exempt and perfectly free of all dishonor or infamy incurred by the commission of any crime or capital punishment suffered by any of his relatives.

ART. 29. Any law or decree that is in opposition to what this Constitution ordains remains without force and of no value.

ART. 32. No law shall have a retroactive effect.

ART. 33. Foreigners enjoy throughout the territory of the nation all the civil rights of the citizen; they can exercise their industries, commerce or profession, hold house or landed property, buy or sell them, navigate the rivers, exercise freely their worship, will their property, and marry according to the laws. They are not obliged to naturalize themselves or pay extraordinary forced contributions.

ART. 34. The declarations, rights, and guarantees that are enumerated in this fundamental law shall not be understood as in denial of other rights and guarantees not enumerated, but that arise from the principle of sovereignty of the people and from the form of the republican democratic representation.

#### PRESIDENT GONZALEZ COLONY.

The Government of Paraguay, anxious to satisfy the numerous requests for concessions of lands that are daily received, has founded recently a new colony in the department of Caazapá.

The land, which consists of a superfice of 12 square leagues, is crossed by the railroad from Asuncion to Villa Encarnacion.

It has been divided into blocks of 8 squares frontage by 8 squares deep, with a road on each of its four sides. Each block has been subdivided into 4 lots equal to 16 superficial squares (12 hectares).

The land is formed of a series of small hillocks, and is traversed by brooks issuing from these same hillocks, and which never dry up. It is covered with virgin groves that contain timber of the finest quality found in the country.

The timber extracted from these groves can be made use of with the greatest ease, on account of the proximity of the railway, and will repay the colonists the expense of cutting. They can make use not only of the trees that are valuable for construction and furniture, but also of all those pieces of timber that do not serve for that end, but which can be sold for firewood, or converted into charcoal, which is easily sold in Asuncion or in the Argentine Republic.

The nature of the ground that supports these immense virgin forests, peopled with tropical and subtropical plants, attached by immense filaments that, like monstrous serpents, wind themselves around the great trees in search of the air that vivifies them and the heat that forces the growth of their flowers of many colors, is sandy, dyed red by the oxyhydrate of iron, with a great quantity of vegetable earth produced from the decayed vegetation.

From their topographic situation these lands are good for any cultivation. On the tops of the hillocks, sugar cane, tobacco, wheat, maize, potatoes, and peanuts can be cultivated, on their slopes coffee and vines, in the valleys rice and lucerne.

The Spaniards cultivated wheat and the vine during the whole period of their occupation, and these cultivations did not cease until the epoch of the war.

Vines of from 30 to 40 years old are still to be found that produce fruit, notwithstanding having been reduced to a wild state.

Azara speaks of these cultivations in his description of Paraguay.

Of all these advantages the greatest consists in that, alternating the cultivation during a long period, you may sow the ground continually.

Maize is harvested as many as three times a year.

The Government, persuaded that colonization well directed is one of the most efficacious means of obtaining a spontaneous immigration, occupies itself seriously in the support and growth of the colonies established in sundry parts of its territory.

With this object it is constantly seeking to improve the conditions of the existence and future of the colonists.

For this reason and because of defects in the present colonization laws the Government has united in a by-law the statutes that should rule the "President Gonzalez colony."

## BY-LAWS OF THE PRESIDENT GONZALEZ COLONY.

ARTICLE 1. The land of the colony shall be divided into blocks of 8 squares frontage by 8 squares deep with a road on each of its four sides. Each block shall be subdivided into four lots equal to 16 superficial squares.

ART. 2. To each agricultural family two lots shall be delivered, or half a block, at the price of two dollars per square of 10,000 varas, payable in ten equal annual payments, or if the colonist prefer to pay at sight, one dollar per square. The colonist must also pay the expense of demarkation and of placing landmarks of his lots, but such payment should not exceed four dollars for each lot of 16 squares, payable in 10 equal annual payments, and at sight, for those who pay cash.

A married couple is considered a family.

ART. 3. When the colonist has selected his lot the commissariat will issue a provisional warrant of sale signed by the commissary of the colony and by the colonist, and registered in the general commissariat of immigration in Asuncion.

In this warrant of sale will be stated the extent of land, number of lots, conditions of sale, with an appendix containing these by-laws.

Two copies of each contract must be made out, of which the colonist shall keep one and the commissary the other. The definitive titles to the property will be given two years after the colonist has established himself; and in the case of buying the ground on annual payments, it will remain mortgaged for the sum that remains due for the land, expense of survey and placing landmarks, animals, tools, and subsidies.

ART. 4. If a family distinguishes itself by its industry and good conduct, four lots more of land, 16 squares in each lot, may be conceded under the conditions contained in article 2.

The family that in the space of two years counted from the date of its installation in the colony shall have cultivated and sown 16 squares, shall be presented with half a block of thirty-two squares.

ART. 5. Unmarried colonists are only admitted on being known as industrious laborers and of good conduct. An unknown person who wishes to be admitted as a colonist must first work at least six months, either in the administration of the colony or with some other colonist.

ART. 6. To each family when it establishes itself, and solicits it, will be given the following:

(1) A handsaw, a whetstone, a pick with steel point, a small hatchet for each male colonist, a hatchet, a spade, a knife, and a hoe for every individual that can work with them.

(2) A milch cow and calf.

(3) A pair of oxen, a yoke, a pair of leather straps, and a long iron chain to draw timber.

A plough will be given to families that ask for it, as soon as they have prepared (2) two squares of land for sowing.\* All these objects will be delivered to the colonist at cost price and will be payable in three yearly payments, at the end of the second, third, and fourth year after establishing themselves.

ART. 7. All the seeds that the colonists can sow the first year will be given to them free.

ART. 8. To families that can not maintain themselves may be given during the first six months of their establishment a subsidy as an advance, (40) forty cents a day for each adult, for children the half; these advances must be returned, one-half at the end of the fifth and one-half at the conclusion of the sixth year of settlement.

ART. 9. All advances made to colonists will be free of interest and only in case the corresponding quota is not paid the day on which it becomes due will interest be charged from that day at the rate of 8 per cent a year.

ART. 10. In order to facilitate the purchase of the necessary food, the commissariat of the colony will cause to be killed as many cows as are necessary each week, and the meat will be sold at cost price to the colonists; a grocery store will also be established where the colonist can buy every necessity at an equitable price.

ART. 11. In the first five years, counted from date of the establishment of the commissariat, no colonist can establish a house of business, drinking or clothing store, without previous authorization of the General Commissariat of Immigration.

ART. 12. All roads that pass by the colony will be in charge of the commissariat of the colony, but a year after the establishment of the colony the cost of this will be for account of the colonists, up to half the breadth of the road in the whole extent along their ground.

ART. 13. Any colonist of bad conduct, incapable, or of abandoned habits, may be separated from the colony after being indemnified for the value of his work, estimated by arbitrators, and in this case the amount of all advances made by Government will be discounted.

Likewise, if a colonist for any justifiable motive should wish to retire from the colony, he can not do so without first paying all he owes, according to his accounts.

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\*Oxen for drawing timber will be placed alternately at the disposition of families by the commissary of the colony.

Any family will be considered as incapable or abandoned that, after two years counted from the date of its installation, has not cultivated and sown four squares.

ART. 14. Any question that may arise between colonists about their respective rights, or the acquisition of any lot of ground, until such time as the definitive titles be made out, as also all questions between colonists and the commissariat of the colony, will be settled by the department of immigration, with right of appeal to the Executive power.

ART. 15. Colonists have a right also to the agricultural prizes established by the laws of the 20th and 22nd of December, 1890.

ART. 16. The administration of the colony will be composed of a commissary, an accountant-secretary, one or two overseers, according to the number of families, and corresponding labourers.

ART. 17. The obligations of the commissary are as follows :

(1) To put each family or colonist in possession of the lots intended for them.  
(2) To provide for the security of the colony and have at his orders the necessary persons.

(3) To provide for the mending and clearing of the roads.

(4) To keep a census of the colony, exact statistical data of the cultivation of the colony, and the yearly produce of the seed sown, to which end colonists are bound to render all the information asked for.

(5) To give the colonists all information they may ask and to assist them with his good advice.

(6) In case of quarrels amongst the colonists he must serve as friendly arbitrator, and in case of inability to settle the question amicably, to serve them as interpreter, if necessary, before a competent judge.

(7) To take care that at the end of six months after their establishment a family shall have planted twenty fruit trees and sown ten rows of one hundred varas of each crop, of maize, mandioc, mani, beans, sweet potatoes, sugar cane, and rice, wherever the ground is suitable for their growth.

(8) To present each month to the minister to whom the care of the colonization department is intrusted, a report upon the state of the colony and the work done in it.

ART. 18. The obligations of the accountant-secretary are as follows :

(1) To represent the commissary in his absence.

(2) To write the correspondence ordered by the commissary ; to keep a register, where he shall note the entry of all colonists, with the names of each, their nationality and trade ; another book with notes of births and deaths in the colony ; a cash book, a book of accounts current with the colonists, and a day-book for the ledger, for the better regularity of the accounts kept.

The accountant-secretary must deliver to each colonist a small book in which are to be noted, besides the sum owed for the purchase of the land, all that he receives or delivers, be it animals, tools, money, etc.; in the last pages of the book must be noted the dates on which sums to be paid become due.

These books shall be numbered, signed, and each leaf stamped by the commissary-general of immigration.

ART. 19. The overseer is obliged to execute the orders of the commissary, or, in his absence, of the accountant-secretary, divide the work between the labourers and look after them.

ART. 20. The colony will be exempt from the imposition of direct taxes for the space of ten years, to count from the day that the respective intendant is established there.

ASUNCION, 29th of Decèmbër, 1891.

Let it be approved, communicated, and published.

GONZALEZ. /

VENANCIO V. LOPEZ.

JosÉ T. SOSA.

#### AGRICULTURAL PREMIUMS LAW.

The Senate and Chamber of Deputies of the Paraguayan Nation in Congress assembled sanction with the force of law—

ART. 1. The sum of two hundred thousand dollars annually shall be devoted to the promotion of agriculture and national industry for the term of ten years, to count from the promulgation of the present law.

ART. 2. For the carrying out of the foregoing article, the following premiums will be established annually and adjudged to agriculturists and industrials in the following form:

(1) Twenty premiums to those who cultivate a certain superficial area of tobacco, on condition that this be dried in the shade, fermented, and submitted to the other handling necessary to make it acceptable in foreign markets, according to rules laid down by the Executive power.

The said rewards will be comprehended in the following categories:

(2) Two premiums of five thousand dollars each to him who cultivates an area that produces annually 100,000 pounds of tobacco.

(3) Two premiums of one thousand eight hundred and seventy-five dollars each to him who cultivates a superficial area that produces annually 37,500 pounds of tobacco.

(4) Four premiums of one thousand two hundred and fifty dollars each to him who cultivates a superficial area that produces annually 25,000 pounds of tobacco.



(5) Ten premiums of six hundred and twenty-five dollars each to him who cultivates a superficial area that produces 12,500 pounds of tobacco.

(6) Three premiums of four thousand dollars each to those who cultivate fifteen thousand coffee plants, the following year after first giving fruit.

(7) Two premiums of four thousand dollars each to him who cultivates twenty-five thousand cotton plants producing crops.

(8) Two premiums of five thousand dollars each to those who cultivate eighty squares of sugar-cane producing crops.

(9) A premium of five thousand dollars to him who cultivates twenty-five thousand Brazilian banana plants producing fruit, known by the name of "Saint Thomas," now imported for consumption in the Argentine Republic.

(10) Five premiums of one thousand dollars each to those who cultivate ten squares of "mani" producing crops.

(11) Four premiums of one thousand two hundred and fifty dollars each to those who cultivate ten squares of rice, equivalent to 3,750 pounds per square.

(12) A premium of five thousand dollars to him who cultivates one hundred squares of alfalfa (lucerne), at the rate of 5,000 pounds per square.

(13) Five premiums of one thousand dollars each to those who cultivate a superficial area that produces 250,000 pounds of maize per year.

<sup>7</sup> (14) A premium of five thousand dollars to him who cultivates one hundred thousand Brazilian pineapple plants (abacaxi) producing fruit.

(15) A premium of five thousand dollars to him who cultivates eighty squares of ramie plants.

(16) A premium of five thousand dollars to him who plants fifteen thousand orange trees, payable the following year after first giving fruit.

(17) A premium of five thousand dollars to him who plants twenty thousand lemon plants, half of the country (limon centé) vulgarly called "sutil," and half known as the Italian lemon, payable the following year after first giving fruit.

The plantations referred to in the 14th, 16th, and 17th clauses should be situated near the Paraguay River, or in situation of easy communication with suitable points for exportation.

(18) A premium of five thousand dollars to him who cultivates twenty-five thousand grape vines, payable the following year after first giving fruit.

(19) A premium of ten thousand dollars to him who establishes a sugar mill that produces annually 250,000 pounds.

(20) A premium of ten thousand dollars to him who implants a distillery of alcohol that produces annually five hundred pipes for exportation.

(21) A premium of ten thousand dollars to him who sets up a steam saw mill that prepares annually fifty thousand sleepers for exportation.

(22) A premium of five thousand dollars to him who establishes a wine factory, made from raw materials of the country, that produces annually one hundred pipes.

(23) A premium of ten thousand dollars to him who establishes a factory of common cloth made from raw materials of the country.

(24) A premium of ten thousand dollars for a factory for the extraction of textile fibres generally produced in the country.

(25) A premium of five thousand dollars to him who establishes a factory of cooking oil, made from raw materials of the country, that produces annually 125,000 pounds.

(26) A premium of five thousand dollars to him who establishes a factory for the preparation of (dulces) preserved fruits, in the necessary condition for exportation, to the amount of 125,000 pounds.

(27) Two premiums of five thousand dollars each to him who establishes a cigar factory, for tobacco prepared under the conditions determined in clause 1, that produces annually one hundred and fifty thousand cigars.

(28) A premium of five thousand dollars to him who establishes a factory or mandioca flour that produces annually 250,000 pounds.

(29) A premium of five thousand dollars to him who cultivates a superficial area that produces annually 15,000 pounds of indigo.

ART. 3. The industrial premiums will be adjudged only when the factory and its dependencies represent three times the value of the premium accorded.

ART. 4. A national jury, composed of six native members and six foreigners, appointed by the executive power and presided over by the president of the national bank, will be charged with adjudging the premiums referred to in this law.

The office of member of this jury is honorary and must be discharged gratuitously.

ART. 5. The importation of the machinery and other indispensable implements for the setting up of the factories referred to in the present law, is declared free of duties for the term of ten years.

ART. 6. The national jury are empowered to hold, at least every two years, a rural and industrial exhibition on the occasion of adjudging the premiums. The expenses of these exhibitions will be paid by the section of agriculture of the national bank.

ART. 7. Twenty-five per cent of the profits of the national bank, determined in article 52 of its organic law, shall be applied to the payment of the premiums established in article 2 and other necessary and indispensable expenses required to be made by the jury; for the better carrying out of its undertaking, aside from this the State will provide out of the general revenues for the fulfilment of this

law, should the means above referred to be considered insufficient to cover both objects.

ART. 8. The section of agriculture of the national bank is empowered to furnish to the agriculturists who solicit them seeds and plants whose cultivation especially recommends itself, the repayment to be made at cost price.

ART. 9. The executive power will enforce the present law.

ART. 10. Communicate to the executive power.

Given in the Chamber of Sessions of the Legislative Congress on the 18th of December of 1890.

## Peru.

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The proverbial immensity of the resources, mineral, agricultural, and others, which has rendered the name of Peru in every civilized language the synonym of great wealth, and the system of labor upon which, until 1854, the economical structure of the country was based, prevented the Peruvian Government and people, with rare exceptions, from giving much attention to the problem of foreign immigration and colonization. Bolivar, in his celebrated "prophetic letter" of 1815, said that "gold and slaves" would be an obstacle in the way of the real independence and happiness of Peru, and history has substantiated, economically at least, the apparently paradoxical assertion of the great Liberator,

True it is that by a decree of August 12, 1821, the first steps were taken to abolish slavery, by declaring every one born in Peru on or subsequent to the 28th day of July of the same year to be free, and by enacting other provisions. The abolition of slavery was not consummated, however, until December 3, 1854, and before that moment no movement intended to introduce free laborers or to lift up the labor to the spheres of its own dignity could be successful.

Together with the problem of slavery, the Peruvian Government and people have seen themselves confronted by the dangers of the coolie system, which they, in their natural anxiety to prevent their most vital interests from being ruined beyond remedy, allowed to increase to uncomfortable proportions. The numerous decrees by which Chinese immigration into Peru has been allowed

and even encouraged, while by others restricted and even forbidden absolutely, afford an opportunity for studious people to look into the workings of such artificial, unsafe, and undesirable ways of increasing the population of a country.

On the 27th of August, 1859, a contract was made and entered into by the Government with a private company for the introduction into Peru of 25,000 Irish immigrants. On November 22 of the same year arrangements of the same kind were made with another company for the importation of an indefinite number of Spanish colonists; and on December 31, 1860, and May 29, 1869, similar steps were taken to secure immigrants from Germany.

None of these measures answered, except incompletely and unsatisfactorily, the purposes of the Government, and the system of individual contracts was then set aside, at least temporarily, to be replaced by legislation of a larger scope. President Pardo issued on the 17th of December, 1872, an important decree authorizing the establishment of a European immigration association, with power to send agents to the different countries of Europe, for the purpose of "promoting and facilitating European immigration in the Republic of Peru and securing employment to the immigrants immediately after their arrival." This association, consisting of twenty-five members, and divided into five committees of five members each, in the following way: Committee of England and Ireland; of France, Belgium, and Switzerland; of Germany, Austria, and Holland; of Sweden, Norway, and Denmark, and of Italy, Spain, and Portugal, has for its object—

(1) To manage and disburse the funds appropriated by Congress for the purposes of its establishment.

(2) To represent the immigrants before the Government in all their business and transactions.

(3) To contract for the transportation of the immigrants, provide them with lodgings and board upon their arrival, and see that

they are taken in the proper way to the places where they are to settle.

(4) To distribute among the immigrants the lands which the Government may set apart for that purpose, and fix the amounts, if any, to be paid for them, as well as the terms and conditions upon which the possession of the said lands shall be given them.

(5) To provide the immigrants with domestic animals and seeds, if they are to engage in agriculture, or with proper employment of whatever kind, if they belong to other classes of laborers.

(6) To intervene in all contracts to be made by the immigrants in regard to their personal labor and services.

(7) To act as arbitrator in all questions arising between the immigrants and their employers out of the labor contracts made and entered into by them, should the said contracts provide for such arbitration.

(8) To contract loans with real estate banks (*bancos hipotecarios*) and invest the money in lands to be given the immigrants upon mortgage of the same lands and the Government's approval of the transaction.

(9) To establish such branches or agencies in Europe as may be necessary to promote and facilitate immigration.

(10) To suggest all measures, within the scope of its constitution and rules, conducive to the increase of immigration and the welfare of the immigrants, as well as the protection of their rights and interests.

Subsequently to this decree the Peruvian Congress passed a law (April 28, 1873) making a standing appropriation of 100,000 soles every year for the promotion of European immigration, said fund to be applied as required by the circumstances of the nationality or class of labor or industry more immediately desired, and authorizing the Executive to grant public irrigated lands to the immigrants. If the lands are not irrigated the Executive is

instructed to provide for their irrigation out of the funds for that purpose appropriated by the special law on the subject of January 24, 1871; and in all cases the colonists shall be bound to pay back to the Government the expenses which the latter shall have incurred for their benefit, except the expenses of transportation; said payment to be made in installments and in such a manner as the Executive may designate. A further appropriation of 25,000 soles was made on October 2, 1890, to bring immigrants from Europe.

By a still later decree of April 13, 1874, auxiliary committees of immigration were established in all important centers—agricultural, industrial, or commercial—of the Republic, with instructions to work under the advice and direction of the European Immigration Association of Lima. Each one of these committees consists of five members, appointed by the respective local governors or prefectos, who generally choose for this purpose citizens of prominence and ability.

Foreigners, under section 28 of the Constitution of Peru (promulgated November 13, 1860), are on exactly the same footing as Peruvian citizens by birth, as far as the acquisition, holding, and transfer of real estate are concerned. They can purchase, possess, and sell and dispose of it by will or otherwise without hindrance of any kind, and as freely and safely as any native citizen of the Republic.

On February 13, 1892, the Secretary of Government, Police, and Public Works furnished the following information concerning public lands:

The only provisions relating to the disposition of public lands which are now in force at Peru are those made and enacted by the law of November 4, 1887; under the ninth section of which the prefects and subprefects were authorized to grant, gratuitously, a tract of public lands to anyone, whether citizen or alien, who should apply for it. Concessions granted by the subprefects shall never exceed 30 acres, while those granted by the prefect may reach a limit of 300 acres. The extent of the concession is to be governed in all cases by

the means of labor and the resources of the applicants. The Chief Executive may grant, under the same section 9 of the law above named, 3,700 acres in one lot; but the approval of Congress shall be required for all concessions exceeding this limit.

The conditions on which the concessions have been thus far granted are as follows: That the applicants bind themselves to bring to the Republic two adult colonists for each 37 acres asked for, and that the location of the tract of land which is desired be actually determined within six months subsequent to the application. Lands on the banks of the rivers can not have a depth less than their river front.

If at least one-fifth of the area of land granted is not under cultivation within two years subsequent to the grant it will be forfeited.

These are the principal provisions which govern the grants of mountainous lands in the Republic, and many concessions have been thus far made in compliance with them.

A bill on colonization and immigration is now pending in Congress. It was introduced last year, but business of other nature has thus far prevented its proper consideration and passage.

Two days later the same secretary, in answer to several inquiries made by several citizens of Oklahoma, United States, repeated the above information, and supplemented it in the following way:

In addition to the foregoing, I have only to say that all the lands which the Government grants for colonization purposes are mountainous, and that their height above the level of the sea varies from 100 to 3,000 meters or more. They all, nevertheless, are arable and exceedingly fertile. Nature itself attends by means of heavy rains to their proper irrigation, and all that the colonist has to do for reaping the fruit of his work is to acquire and use the proper seeds and instruments of labor.

An interesting publication on immigration, made by order of the Government, at Lima, 1892, gives the text of the law of October 14, 1887, under which the time of operation of the law of January 9, 1865, on the concessions of public lands, was extended ten years. That law, which therefore remains in force until 1897, provides, among other things, as follows:

SEC. 4. Full ownership, in fee simple, of the lands which they may cultivate shall be given to the native settlers.

The same privileges shall be given to all citizens of Peru who settle in said lands and undertake their cultivation.



SEC. 5 The favor granted by the foregoing article shall be extended to all foreigners of whatsoever nationality settling on the said lands and cultivating them.

SEC. 6. No taxes of any character, whether civil, ecclesiastic, or judicial, shall be paid by these new settlers. They shall be exempted also from parochial duties and from the necessity of using stamped paper when reducing their public contracts to writing. The pastors of their churches shall be supported by the national treasury. These privileges shall last for 20 years, to be counted from the promulgation of this law.

SEC. 8. The present law shall be applicable to all settlements which in the future may be made or undertaken in the Republic, the right of the government to provide what may then be proper according to circumstances being, however, reserved.

Among the most important concessions granted by the Government of Peru to private companies for immigration and colonization purposes, the following deserve particular mention:

(1) The concession of 123,550 acres, granted on October 29, 1888, to Messrs. Landi, Canessa & Co.

(2) The concession of 1,235,500 acres, granted on November 19, 1891, to the company doing business under the name of the Peruvian Corporation, Limited.

The form of application to be made to the Secretary of Government, Police, and Public Works, as given by the official publication, is:

Most Excellent Sir: I, A. B. [the applicant], do hereby appear before you and say: That in use of the privilege granted me by the law of November 4, 1887, I do now make application for the concession of ——— hectares of land at ———, on which I propose to engage in the cultivation of ———. And to this end I apply to you, and pray you to issue the proper decree.

[Signature of the applicant.]

LIMA, ———, ———.

The Peruvian Government has made, according to a report of Mr. A. I. Daugherty, United States consul at Callao, dated June 30, 1891, an appropriation of 30,000 soles to cover the expenses

of a survey of the unoccupied government lands, and a commission has been appointed to carry out the object of this law.

The prices of land under cultivation, says Mr. Daugherty, vary very much. All lands between the Andes and the sea are irrigated, At some places land may be had from 100 to 200 silver soles per fanegada, a fanegada being generally 228 yards front by 144 deep, or 41,472 square yards. In some places it is only 144 by 144, and in others 144 by 100.

In the vicinity of Lima the irrigated lands are much higher and bring from 200 to 500 silver soles per fanegada.

## Uruguay.

The immigration and colonization laws of the Republic of Uruguay have worked as successfully as the laws which the Argentine Republic enacted for the same purpose and have been mentioned in the proper place in this Bulletin. The *Anuario Estadístico* for 1890 shows, among many other interesting facts, that since 1867 a current of immigration, most of it from Europe, has been constantly running into the Republic, and that it increased to 10,446 in 1889, while in the following year it dropped to 8,816.

Out of the 53,803 registered immigrants, 26,909, or a little over one-half, were Italians. Still more important and interesting than this is the fact that in the city of Montevideo, the capital of the Republic, out of the 12,358 taxpayers, owners of property assessed at \$119,289,439, there are more Italians than native Uruguayans, or citizens of any other nationality whatsoever. The Italians head the list with 4,267, and after them come the natives to the number of 3,868, and then the Spaniards and the French, etc. The largest amount of property remains, however, in the hands of the Uruguayans, whose holdings amount to \$53,596,719; while that of the Italians, who come next (although more numerous), is valued at \$27,139,666.

The immigration law promulgated at Montevideo on the 12th of June, 1890, reads as follows:

CHAPTER I.—*Of the agents of information and propaganda in foreign countries.*

ARTICLE 1. The consuls and consular agents of the Republic shall be, for all the purposes of the present law, agents of information and propaganda in regard to immigration; and they shall attend to this duty under the supervision of the respective diplomatic ministers, and in conformity with the instructions which the executive power shall have transmitted to the latter.

ART. 2. The duties of the consuls and consular officers in their capacity of such agents, under the present law, shall be as follows:

(1) To furnish all the information which may be asked of them either by intended immigrants, by agents of navigation companies, or by any other person residing within the consular district, in regard to the laws of the Republic, statistics concerning the same, or the general condition of the country.

(2) To make constant efforts to secure and increase immigration into the Oriental Republic of Uruguay, and correct all errors which may prevail in their respective localities and hinder or embarrass their action. They shall be particular in causing the people to become acquainted with the geographical, economical, and social condition of the Republic, the advantages which immigrants would enjoy in it, and the special favors which are granted to them, not only in so far as regards the expenses of their coming to the country but also after their landing, in the shape of gratuitous lodging and board during the first days and of providing them with profitable employment.

(3) To report to the Executive whatever laws or regulations have been enacted or made in the countries in which they are respectively exercising their functions, intended to promote immigration or to reform and improve the methods therein resorted to for colonization purposes and for the development of agriculture, if applicable to Uruguay.

(4) To certify to the ability to work and good conduct of every individual who may wish to come to the Oriental Republic, or authenticate the certificates to the same effect which may have been issued by the local authority.

(5) To dispose at once of the tickets entitling the bearer to a passage to Uruguay, which beforehand may have been sent to them officially.

(6) To account, with proper vouchers, for all the moneys received by them from the Government to meet the expenses of this service.

(7) To submit to the Executive an annual report on the immigration movement through the port or ports of their respective districts, showing the number

of immigrants who sailed from there in that year, either for the Oriental Republic of Uruguay or for other countries, and suggesting whatever in their opinion may be proper to increase the number or improve the quality of the immigrants for Uruguay.

ART. 3. These agents shall neither demand nor accept from any private parties, under penalty of dismissal from the service, any remuneration or compensation whatever for services which under the present law are incumbent upon them, or which in the future may be intrusted to them, under the same law, either by the Executive, or by diplomatic ministers representing the Republic in the countries in which they serve.

ART. 4. When the consul or consular agent, who, under the provisions of the present law, shall act as agent of information and propaganda, receives as compensation for his services only scanty fees, the Executive shall have authority either to cause an adequate salary to be paid him for his extra labors in regard to immigration, or to entrust this additional service to another official, to whom the proper salary shall be paid.

ART. 5. The Executive shall give an account at the end of each year to the National Congress (*Asamblea General*) of the use it may have made of the power granted in the foregoing article, and Congress shall then decide whether the expenses so incurred shall or shall not continue to be paid. If the decision be favorable to its continuation, then an item providing therefor shall be included in the regular appropriation bill.

## CHAPTER II.—*Of the immigrants.*

ART. 7. Within the meaning of this law, every honest, able bodied alien who comes to the Oriental Republic of Uruguay, on board a steamer or sailing vessel, as a second or third class passenger, with the intention of establishing in it his permanent residence, shall be an immigrant.

ART. 8. Every immigrant shall enjoy, upon his arrival in the Oriental territory, the following favors:

(1) Introduction, free from all duties or charges, of his wearing apparel, clothing, household furniture, agricultural instruments, and tools or implements of his trade.

(2) Free landing, both of himself and of his whole baggage.

(3) Gratuitous efforts to find for him lucrative employment in the occupation or trade of his preference.

Immigrants whose fares have been paid in advance shall be entitled also to the following additional favors:

(a) Free lodging and board during the eight days subsequent to their landing.

(b) Free transportation, both of themselves and their whole baggage, to the place in the national territory where they wish to settle.

The two favors last mentioned may also be extended by the Executive to all other immigrants whenever deemed advisable.

ART. 9. All the privileges and favors of the preceding article shall be understood to be granted, as far as practicable, to every member of the immigrant's family.

ART. 10. The immigrant shall prove his good moral character and his ability to work, by means of a certificate of the Uruguayan consul at the port of embarkation, which shall be issued free of cost, or of some authority of his domicil, duly authenticated by the consul. The consular authentication shall be gratuitous.

ART. 11. Immigrants who may be unwilling to accept the favors of article 8, and wish to waive them, shall either give notice of their decision to the captain or master of the vessel on which they come, in order that he may make the proper record thereof on the books of his vessel, or make a statement to the same effect before the authorities of the port at the time of their landing there. In either case they shall be deemed to be mere travelers.

This provision shall not be applicable to those immigrants who may come with their fares paid in advance, as provided for in the following chapter.

### CHAPTER III.—*Of the payment in advance of the immigrant's fares.*

ART. 12. Congress in passing the appropriation bills shall make the proper provision to pay annually a certain number of third class fares for immigrants who may come to settle in the Republic.

ART. 13. The refunding of the sums of money advanced for these fares shall be made within two years and a half, to be counted from the immigrant's arrival, by semiannual installments of 20 per cent each, with interest at 6 per cent per annum.

ART. 14. Every colonization company, every person domiciled in the country, of well-known industry and enterprise, has the right to apply to the Commissioner (Director) of Immigration and Agriculture, and ask (the form of the petition shall be gratuitously furnished) for the payment in advance of third-class fares to Uruguay for such person or persons as shall be named, having the proper qualification under article 25. Upon proper investigation of the subject the Commissioner shall grant or refuse the application.

ART. 15. If the application is granted, the Commissioner shall either give to the applicant the tickets entitling the immigrant to a third class passage, which

shall be issued in favor of the emigrants themselves, as named by the applicant, or forward them to the emigrants themselves, through the respective agent of immigration and propaganda, if so desired by the applicant.

In the former case the applicant shall file, before receiving the tickets, a promissory note, binding himself to pay their value on the terms established by article 13, but the date of the note shall be left in blank. In the latter case the tickets shall not be forwarded to the immigration agent until after the Commissioner receives the promissory note above mentioned.

ART. 16. The tickets shall set forth plainly that they are good for only six months from date. At the expiration of seven months, subsequent to the date of a ticket, without said ticket having been presented at Montevideo, the applicant shall be entitled to withdraw his note.

ART. 17. Upon the arrival of the vessel which brings the immigrants the tickets shall be presented to the landing inspector, who shall cancel them by means of a stamp, reading "cumplido" (used or canceled). Upon proof of the actual presence of the immigrant on board the vessel, the navigation company, owner, or consignee of the vessel, shall exchange the ticket for a check of the Commissioner of Immigration and Agriculture, payable on demand by the National Bank for the amount of the fare.

ART. 18. Every immigrant whose passage has been paid in this way shall be bound to sign his name to the promissory note above referred to, and to respond jointly and severally with the applicant who had signed it before, for its whole amount. Then the said note, after the blank left on it for the date is properly filled, shall be endorsed by the Commissioner of Immigration and Agriculture in favor of the National Bank and delivered to it to meet or make good the payment of the check drawn on the bank for the amount of the fare.

ART. 19. If it should happen, through some extraordinary circumstance, that the immigrant who used the ticket, as aforesaid, fails to sign the note, the provisions of the preceding article shall nevertheless be carried into effect, without prejudice of whatever action may be in order against the immigrant.

ART. 20. If the notes in the possession of the bank are not paid at maturity, either by the applicant for the ticket or by the immigrant, the National Bank shall charge their full amount to the Government; but the right of the Commissioner of Immigration and Agriculture to proceed against the direct debtors is reserved.

ART. 21. No fees or expenses of any kind shall be incurred in the proceedings or steps to be taken to secure the payment of immigrants' fares in the manner above explained. No stamped paper shall be required in any stage of the proceedings, nor shall any stamp be attached to the notes.

ART. 22. When the applicant for passage tickets is a colonization company, the Executive shall have the power to exempt it from giving the names of the immigrants and from all the other obligations to which articles 15 and 18 of the present law refer. In that case the notes shall be signed only by the colonization company.

ART. 23. The Executive is hereby authorized to make every year such arrangements with the National Bank and the navigation companies as may be proper to faithfully carry into effect the provisions of the present chapter, up to the limit marked by article 12.

CHAPTER IV.—*Of the vessels engaged in the transportation of immigrants and the visit of the immigration inspector.*

ART. 24. Vessels engaged in the transportation of immigrants shall enjoy in the ports of the Oriental Republic all the privileges and favors already granted to ocean steamers by the present and future laws and regulations.

ART. 25. In compensation for the privileges and favors of the preceding article, said vessels shall give the immigrants coming to the Oriental Republic the same advantages as far as healthful lodging, boarding, and treatment are concerned, as are given by them to immigrants going to any port on the River Plata.

ART. 26. The violation of the preceding article shall entail the forfeiture of all the privileges and favors granted to the vessel which may be guilty of it.

ART. 27. The captains or masters of vessels engaged in the transportation of immigrants shall not admit on board to come to the Oriental Republic, or as passengers of 2nd and 3d classes, the following persons:

- (1) Persons afflicted with contagious diseases.
- (2) Paupers.
- (3) Persons who, through organic or physical inability, are absolutely incapable of working.
- (4) Persons over 60 years of age.

But the prohibitions of numbers 3 and 4 of this article are not applicable to persons who, although afflicted or aged as therein expressed, form part of a family of at least four able-bodied persons.

ART. 28. Asiatic and African immigration are forbidden in the Republic; as well as that of gypsies, also called *Zingaros* or *Bohemians*.

ART. 29. The violation of either of the two preceding articles shall be punished with a fine of one hundred dollars for each individual of that class admitted on board, and the captain or master of the vessel shall be bound, moreover, to take them back immediately to the place whence they came.



ART. 30. The captains and masters of vessels engaged in the transportation of immigrants, and, in general, all ocean vessels, shall be bound to have a framed copy of the present law, translated into several languages, conspicuously placed at some convenient part of the vessel. The Commissioner of Immigration and Agriculture shall furnish said copies through the naval authorities.

The failure on the part of the captains or masters to do as directed in the above paragraph shall cause the privileges and favors granted the vessel to be forfeited, as in the case of Article 26.

ART. 31. Every ocean vessel carrying immigrants to a port of the Republic shall announce it upon its arrival by hoisting a special flag. In that case, an officer of the Department of Immigration and Agriculture shall accompany the custom-house and the health officers, and shall make the "immigration visit."

ART. 32. The Commissioner of Immigration and Agriculture shall make, with the approval of the Executive, especial rules for the immigration visit, upon the following bases, to wit:

(1) As long as the visit lasts no other vessel of any kind engaged in trade in the port shall be allowed to communicate with the newly arrived steamer or sailing vessel.

(2) The landing inspector shall demand from the captain or master of the vessel a general list of the immigrants on board coming to settle in the national territory; and in said list the name, sex, age, condition of life, occupation, nationality, and religion of each immigrant shall be specified. The list shall also set forth the place of embarkation, and whether the immigrant knows how to read and write.

The inspector shall demand, furthermore, another list specially relating to the immigrants whose passage was paid in advance by the Government.

He shall receive also the tickets of the last-named immigrants, which he shall stamp "used" or "cancelled" (*cumplido*) as directed, and shall immediately return them to the captain or master of the vessel, if no suspicion arises as to the condition and antecedents of the immigrants to whom the tickets refer.

(3) The landing inspector shall make such an investigation as he may deem proper to ascertain that the provisions of articles 25 and 30 of the present law have been duly complied with during the voyage, and he shall also have authority to personally examine the immigrants and see in this way that articles 27 and 28 are carried into effect.

He shall have authority to order every immigrant carried in that vessel in violation of the present law to be retained on board.

(4) A minute record of these inquiries and investigations shall be made and entered on a book, which shall be called "Of Visits of Inspection" (*Libro de*

*Visitas de Inspección*); and the said record shall be signed by the landing inspector, the naval officer, the health officer, and the captain or master of the vessel.

(5) The clerks and employees of the naval office of the port shall obey the orders of the landing inspector in everything which may concern the visit of inspection.

(6) If it should appear from the visit that the captain or master of the vessel is guilty of some violation of the law, the Commissioner of Immigration and Agriculture shall impose upon him the fines provided by article 29; but in that case the captain shall have the right to appeal to the Executive, if he so wish, after having tendered the amount in full of the fine.

In the cases of articles 26 and 30 the Commissioner shall report to the Executive and recommend the imposition of the fine, and no remedy shall be given against the decision.

(7) The special rules and regulations shall establish fines, ranging from five to one hundred dollars, to punish violations of their provisions; and they shall furthermore provide for the proper method of collecting and disposing of the money derived from this source.

(8) The special rules and regulations shall provide the necessary measures to prevent the service, for the organization of which they are intended, from interfering with the rapidity of movement of the ocean vessels stopping at Montevideo.

#### CHAPTER V.—*On the landing, lodging, and boarding of the immigrants.*

ART. 33. The landing inspector shall personally attend to the official and gratuitous landing of the immigrants who have not waived the benefits of the present law, and shall be careful to see that all is done, both in regard to persons and baggage, comfortably and in proper order.

ART. 34. The landing inspector shall accompany the immigrants to the Immigrants' Hotel, and see that they are given the proper accommodations and put in possession of their respective baggage, and he shall take particular care to prevent any one from getting from the immigrants any money or remuneration whatever for services rendered to them.

ART. 35. The violation of the preceding article shall be punished by the landing inspector with a fine not less than five nor more than fifty dollars, to be fixed according to the gravity of the case.

ART. 36. In case of serious sickness, contracted by the immigrant during the voyage, or at the Immigrants' Hotel, the expenses to be incurred in his lodging, support, and attendance at the proper establishment shall always be paid by the Government, even if the limit of time marked elsewhere in this law happens to be exceeded.

CHAPTER VI.—*Of the Agency for securing work and employment to the immigrants and conveying them to their destination.*

ART. 37. The Commissioner of Immigration and Agriculture shall act as agent of employment for providing the national industry with laborers.

ART. 38. It shall be the duty of the Commissioner in this capacity—

(1) To enter in the proper way all applications made to him for workingmen, farm hands, and laborers.

(2) To respond to these applications by endeavoring to employ the immigrants who may be capable of performing the desired work, if advantageous to them.

(3) To intervene, if so desired by the immigrants, in the contracts into which they may enter, and see that they are fulfilled on the part of the employers.

(4) To keep a special registry of the employment given by him, in which the date of employment, the class of work, the terms and conditions of the contract, and the names of all persons concerned shall be particularly set forth.

ART. 39. The commissioner of immigration and agriculture shall not under any circumstances charge any fee, or commission, or pay for his services, either to the immigrants or their employers.

ART. 40. If, in order to give employment to some immigrant, it become necessary to carry him from Montevideo to some other place in the Republic, his transportation shall be made at the expense of the State; and due notice or this circumstance shall be entered on the registry.

In order to give this service the proper organization, the commissioner of immigration and agriculture shall make the necessary arrangements with the company of transportation by land and by river; but the contracts thus made and entered into shall last for only two years, and shall not be valid and perfect until after approved by the Executive.

CHAPTER VII.—*General provisions.*

ART. 41. The Executive shall cause the present law to be translated into French, Italian, English, and German, and shall have it printed in Spanish and in all the languages just mentioned, in such a shape as to allow the whole text to be framed and hung upon the walls in conspicuous places on board the vessels and at the railroad stations, and at the agencies of information and propaganda. Particular care shall be taken that this printed law be given the largest possible circulation at home and abroad.

ART. 42. The Executive, in making the proper rules for carrying into effect the provisions of the present law, shall fix the day on which articles 10, 26, 29, 30, and 31 will begin to be in operation.

ART. 43. From the date of the promulgation of this law, the office of the Commissioner of Immigration and Agriculture, and everything else relating to both branches and to colonization shall be connected with the Department of the Interior.

ART. 44. The Executive shall send to Congress an annual message specially relating to the results obtained in pursuance of the present law.

Mr. Frank D. Hill, consul of the United States at Montevideo, in a report to the State Department of the United States, sent by him on the 1st of August, 1891, says that in Uruguay there are no public lands except such remnants, "*sobras de campo*," as may be left when an accurate survey shall be made, and that there are no preëmption nor homestead laws, as understood in the United States. He says, also, that there has never been any limit to the amount of land that might be secured by lease, colonization, or purchase, nor has any distinction been made between citizens and aliens. All public lands have been open to denouncement, at prices named by the Government, and under conditions not at all burdensome, fixed by the authorities.

The Uruguayan law of colonization is set forth at length in a work on South American emigration, by Guiliano Cormiani:

ARTICLE 1. The Executive shall have authority to promote agriculture, either by promoting, aiding, or establishing colonization companies, or by granting favors to private individuals who shall engage in the same business. In the latter case, whatever sums of money may be disbursed shall be returned in due time to the Treasury.

ART. 2. The colonies which the Executive shall either establish or assist in their establishing, shall be located in the neighborhood of the rivers or railroads of the country most frequented by travelers, and in places where the land is good and affords favorable opportunities for cultivation; for which purpose they must have been previously examined by agronomical experts.

ART. 3. The colonies above mentioned shall be founded either on lands purchased on favorable terms by the Government, or on land considered to be public, or in any place which be disposed of for that purpose under a strict enforcement of Article 803 of the Rural Code. In all cases, before the colony is established, and before the land is divided into farms, all the formalities of the law on condemnation of private property for public use shall be exactly fulfilled,

in order to close the door to any future claims. The said formalities, which are enumerated in Article 446 of the Civil Code, shall protect the colonist, owner of the soil, against any possible attempt at eviction on the part of any person who may claim to have a better title acquired previous to the condemnation, but will not prevent the exercise of any right of private ownership on the same land subsequent to their date.

ART. 4. As soon as the formalities are fulfilled an official survey of the lands shall be made, and then the same lands shall be divided into farms (*chacras*), taking as a basis for that division the zone of territory bathed by the waters.

After the division of the lands into farms has been approved by the Commission of Public Works, the limits of each farm shall be exactly fixed by means of monuments or indestructible marks placed at important points.

ART. 5. It shall be the duty of the director of the colonies favored by the present law to give preference for colonizing purposes to those colonist families in the Republic, which, owing to lack of means or to inability to obtain employment in the agricultural districts, may be without work.

ART. 6. Upon the lapse of the proper time, and after the conditions as to price and manner of payment by installments have been duly fixed by the director of the colonies with the advice and consent of the Executive, full ownership in fee simple shall be given to the colonists of the farms on which they have settled, and in the cultivation of which they have personally engaged under the competent direction; and the proper patent or title, which at any time shall be perfect evidence of said ownership, shall be given to them.

ART. 7. Such lands as may have been abandoned by the colonists without the provisions of the preceding article having been fulfilled shall be given to the other colonists, and no claim of the original occupant shall ever be heard in this respect. If the colonist, after having fulfilled the provisions of article 6, abandons the farms, takes away the improvements, and leaves the land in the condition in which it was originally of pasture grounds, the said land shall be liable, for the purposes of the present law, to be sold to other parties under proceedings of condemnation.

ART. 8. The local authorities shall cause the proper orders to be issued and published, calling all the holders and possessors of lands of their respective districts to present their titles of ownership and possession, so as to insure that every piece of property, whether large or small, be properly returned to the nation, if it appear that its owner or possessor has not complied with the conditions or fulfilled the requisites of the concession.

ART. 9. Whenever an aggregate of twenty families shall appear in a pastoral district and make application for lands to be cultivated by them, the Executive,

or the local boards, with the permission of the Executive, shall have the power to purchase, under the provisions of article 2, such tracts of land as may be needed, if it happen that the nation has none available for that purpose belonging to it.

If the families which make the application are more than one hundred in number, and no lands can be purchased on the conditions of the preceding paragraph, the authorities shall then resort to proceedings of condemnation of private property for public use, and in this way obtain, under proper form of law, all the land necessary for the establishment of the colony.

ART. 10. In order to enable the Executive to carry into due effect the provisions of the present law, authority is hereby given to it to dispose of any sum of money, not exceeding \$200,000, to be paid out of the patent receipts, as provided by article 29 of the patent law.

ART. 11. The Executive shall make such rules and regulations as may be proper for the execution of the present law, and whenever required shall also report and suggest any proper modification or amendment.

ART. 12. The present law shall be published, promulgated, etc., etc.

Subsequent to the law just quoted, the President of the Republic issued a decree, dated June 30, 1881, providing—

ARTICLE 1. The commission of immigration and agriculture is hereby authorized to take every year out of the patent funds the sum of \$200,000, which it shall deposit in a bank of this capital (Montevideo) to be used as provided in this decree.

ART. 2. The same commission is hereby authorized further to promote the establishment of colonies, whether national, foreign, or mixed, and also to aid any private enterprise tending to the same purpose; but it shall be the duty of the said commission to report in each case to the Department of the Interior the action which it proposes to take and the results obtained.

ART. 3. The land set apart for the establishment of these colonies shall be surveyed and divided into as many farms as there are families to be located on them; but in each colony sufficient space shall be left for a town, and also for common pasture grounds.

ART. 4. For the purposes of the preceding article, the commission of immigration and agriculture shall have authority to ask the Director of Public Works to cause the survey and division to be made through his office, and that the roads and streets, as well as the farms themselves, be properly marked on the ground by his clerks and employes, and that a map in duplicate of the whole colony be prepared and delivered by him to the commission. One copy of this map shall

be sent to the Department of the Interior, and the other to be preserved at the office of the Commissioner of Immigration and Agriculture.

ART. 5. The Commissioner shall designate, beforehand, the tract of ground, whether it belong to the nation or be private property, which he may deem to be best or most desirable to its purposes, so as to enable the Government to take action on the subject as promptly as may be proper.

ART. 6. In no case shall the colonies be given possession of a farm without first signing a legal contract, under which everything will be forfeited if the conditions therein stipulated be not duly complied with.

ART. 7. Under no circumstances shall any farm be gratuitously given. Colonists shall have to pay in all cases the price assigned to their farms; but the price shall always be very moderate and payable on easy terms.

ART. 8. As soon as everything provided in article 6 is properly done and complied with, the provisional contracts shall be canceled and a final title, or patent of ownership, shall be given the colonist.

ART. 9. Every one who, either in his own name or in the name of a company, may be willing to establish a foreign or mixed colony on public lands shall file his application to that effect before the Bureau of Immigration and Agriculture, and set forth clearly the locality in which he wishes the colony to be established. This application must be accompanied with a map of the same locality, and with the proper explanation of the contracts entered into by him with the colonists, of the amount of money intended to be given them in advance, of the occupation or employment which is to be given to them, and finally of the rules and regulations under which the internal affairs of the colony are to be conducted.

ART. 10. The concessions shall always be made in favor of either the colonization company or of the individual party undertaking this business, whose proposals prove most advantageous and which offer the best securities for the faithful fulfillment of the stipulated terms and conditions.

ART. 11. The contracts shall be canceled and forfeited in every respect, if at the end of one year (which may be extended in case of occurrence of some fortuitous accident) the contractors have not commenced the establishment of the colony, by showing that at least either ten or twenty families of colonists, according to the importance of the concession, are settled on the lands.

ART. 12. When under the provisions of the preceding article the contract is forfeited and canceled, the lands, together with the building thereon and improvements, shall revert to the Government and become State property; but the rights and contracts of the colonists who may have settled on said lands or any part thereof shall be respected. New bids shall be asked to continue the work of colonization.

ART. 13. Foreign colonists will be allowed to introduce absolutely free from all duties and charges in all parts of the Republic their own seed, instruments, agricultural machinery, and all other.

ART. 14. After all the conditions of article 8 of the law of colonization have been fulfilled, concessions can be made gratuitously of certain farms in the immediate vicinity of the town, on condition that they shall be put under cultivation within four years. These concessions may be made to any colonist family applying therefor, but national families shall be given preference. A certificate of possession shall be given provisionally to those who obtain the concession.

ART. 15. When the colonist can show that land granted has been settled, that the land has been put under cultivation within the four years above mentioned, that the farm has a home for each family, is fenced or surrounded by a ditch, has at least one hundred fruit trees, and that the area under cultivation covers at least two-thirds of the ground, then and in that case the certificate of possession shall be withdrawn and a final deed of sale, formally executed before a notary public and duly registered, shall be given him.

ART. 16. In order to further promote the interests of agriculture all the lands belonging to the nation, which may be found in pastoral districts, shall be granted by the respective commissions, on the terms established by articles 4, 6, and 7, if there are twenty families applying for their concession, and the said families set forth their desire to settle on them and engage in their cultivation.

If the number of families making the application exceed one hundred and no Government lands can be found, the case shall be referred to the Government for the proper decision.

ART. 17. The owners of agricultural or pastoral lands, in whatever part of the Republic, who may be willing to establish within the limits of their property either an agricultural colony or a colony devoted both to agriculture and cattle-raising, and for that purpose take advantage of the provisions of the present law, shall submit their propositions to the approval of the Government through Commissioner of Immigration and Agriculture.

ART. 18. In order to facilitate the transaction, the said propositions shall be accompanied by the deeds or titles of ownership of the lands, and by a map or plan of the same, already divided into farms of from 80 to 100 hectares if they are to be devoted both to agriculture and cattle-raising, or of 30 hectares if they are to be devoted purely and exclusively to agriculture. The Commissioner of Immigration and Agriculture shall transmit these documents to the Director-General of Public Works for examination and approval.



ART. 19. Preference shall be given to the consideration of those propositions which, combining private interests with the public good, confine themselves, in their petitions for favors, to asking for some temporary exemption of taxes or charges, or for the usufruct of some Government property now productive to the National Treasury.

ART. 20. Persons to whom a concession has been granted for the establishment of any of these colonies shall be bound to make to the commission, annually, and whenever the commission may ask for it, a full report of the operations of the colony, under the instructions given them when the concession was made.

ART. 21. Every colony, whether official or private, must have a Director or Intendant, whose duty it shall be to care for the proper settlement of the families, the protection of their rights, and the preservation of peace.

ART. 22. The commission shall have authority to propose to the Government, whenever it may deem it advisable, the changes or amendments which, in its judgment, should be made to these rules.

ART. 23. The present rules shall be published, promulgated, etc., etc.

Up to the date when Mr. Corniani's book was published, neither the law nor the rules for the execution thereof, which have just been given in full, had worked as successfully as had been anticipated. The bulk of the immigration turned always, for various reasons and until very recently, toward the Argentine Republic; and even in 1890 the condition of things in this respect could not be described in better terms than those of the report of Mr. Frank D. Hill, United States consul at Montevideo, the portion of which relating to the agricultural colonies, reads as follows:

#### AGRICULTURAL COLONIES.

A word in regard to the various agricultural colonies. Of these, the most important are the Vaudois and Swiss.

In 1856 some Vaudois families, banished in consequence of their heresy, resolved to emigrate, and proceeded to Montevideo. They first established themselves in the Department of Florida.

An association, the members of which were almost all of them natives of Uruguay, formed themselves into a society to protect these families. Four leagues of land were purchased in the Department of Colonia, which were divided into small farms of about 70 acres each, and most of the Vaudois fami-

lies removed to this colony. Being well received by their neighbors and especially by the inhabitants of the little town of Rosarios, the new colonists soon commenced to flourish. In 1860 there were only seven farms unlet of the eighty which were marked out, and the colony consisted of 55 families. After various changes, which it is needless to mention, the colony now forms an agricultural center, with an area of nearly 20,000 acres, containing 1,860 inhabitants. Eight schools are established in the colony, and Protestant worship is celebrated in French and Spanish.

The Swiss colony was founded in 1861 in the Department of Colonia. Since 1878 it forms a district or section, in which is comprised the Quevedo and Spanish colonies. The Swiss colony comprises an area of nearly 15,000 acres, the Quevedo about 8,000 acres, and the Spanish over 16,000 acres. On this territory there are living 420 families of various nationalities, numbering 2,380 persons. The Paullier Brothers' colony, which is situated about two hours' drive from the town of San José, which is connected with the metropolis by a line of railway, has a total area of over 10,000 acres. The greater part of this reservation consists of land of excellent quality, with meadows naturally watered by numerous water courses. More than 1,000 head of cattle graze on these, and of these 400 cows are milked daily, and their milk is made into cheese of the Gruyere kind, about 80 kilograms being produced per day. The whole of the lands of this colony are parceled out into small farms of from 100 to 200 acres each, which have almost all of them been sold at the price of about £1. 5s. per acre, the purchase money being paid off in five years. This system of colonization offers so many advantages that, in all probability, it will be adopted by the owners of vast tracts of land known by the name of "estancias." A colonist from Europe would easily meet with a couple of hundred acres of good land, watered by streams which never run dry, within a radius of 100 miles from Montevideo, at the rate of £2 per acre.

The Guaviyu colony, in the northwest, has 700 immigrants, 120 families; in the Sauce colony are 59 families of Swiss extraction; the Riachuelo colony, composed of Italians, is progressing. There are colonies, also, in Soriano, Rio Negro, and Paysandu. The last named had in 1884 1,396 inhabitants. The colony-general, Artigas, counted in 1884 111 families, or 546 persons. In Maldonado are two colonies; Rocha and Minas, one each; in Salto, four. The colony Paullier, of San José, consisted in 1884 of 75 families, the majority Spaniards. This scheme of colonization under the law of October 8, 1887, if persisted in, will finally populate the country to such an extent that voluntary immigration may after a while cut some figure in the country.

# Venezuela.

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I, Joaquín Crespo, Chief of the National Executive Power, do hereby decree :

## CHAPTER I.—IMMIGRATION.

### TITLE I.—*Immigration in general, and the different classes and conditions of immigrants.*

ART. 1. The immigration of foreigners shall be effected and regulated in the country according to the provisions of the present law.

ART. 2. The National Government and the government of each State shall promote and facilitate the immigration into the Republic of such foreigners as may be capacitated for engaging in agricultural pursuits, in cattle-raising, in any art, trade, or domestic service.

ART. 3. Persons of the West Indies shall not be admitted as immigrants nor anyone, of whatever country, older than sixty years, unless he have a family coming with him to settle or already settled in the Republic.

ART. 4. Persons lacking in the required conditions of health and morality shall also be disqualified to be immigrants.

ART. 5. The governments of the States, before carrying into effect the provisions they may make in favor of immigration, shall communicate them to the National Government in compliance with art. 2 of the present law.

ART. 6. Any foreigner shall be considered for the purposes of the present law to be an immigrant, if he has left his country to come and settle in Venezuela, and has had his passage paid by the Government.

Any foreigner who has not accepted payment of his passage by the Government, but who goes before the immigration agent, or, if there be none, before the consul of Venezuela, at the place where he resides, and declares before sailing for Venezuela that he is willing to accept all the benefits that the present law grants the immigrants, and to comply with all the conditions which it imposes upon them, shall be also considered an immigrant.

ART. 7. Immigrants shall be divided into classes as follows :

First. Immigrants without contract, coming in search of some occupation in the country.

Second. Immigrants coming under contracts entered into between them and the government of some one of the States.

Third. Immigrants coming under contracts entered into between them and private individuals, associations, or companies, not specially engaged in colonization.

Fourth. Immigrants under contract to work in colonies belonging to private persons on vacant public lands.

Fifth. Immigrants under contract to work in colonies belonging to private persons on their own private lands.

Sixth. Immigrants under contract to work in colonies under the direct management of the Government.

This sixth class shall be subdivided as follows :

First. Immigrants under contract to work in colonies established in vacant public lands.

Second. Immigrants under contract to work in colonies established in lands purchased by the Government from private parties.

ART. 8. The Government shall take care, as far as circumstances permit, that a reasonable proportion, both in regard to sex and nationality, be kept among the immigrants; thus avoiding as far as practicable an undue excess in the numbers of either sex or any one nationality.

## TITLE II.—*Central board of immigration.*

ART. 9. A board is hereby created, consisting of six members, two of whom must be selected from persons engaged in agriculture. Two others must be merchants residing in the capital of the Republic. The manner of appointment, as well as the regulation of the powers and duties of this board, shall be properly provided for by an executive decree.

ART. 10. The board thus created shall be known by the name of Central Board of Immigration. As soon as organized it shall have the power to establish throughout the Republic such subordinate boards as may be thought necessary, their respective members being selected by it from among the most competent and respectable citizens of each locality.

## TITLE III.—*The privileges, assistance, and guarantees granted to immigrants.*

ART. 11. For the purpose of promoting immigration in the proper way the Government shall grant all immigrants voluntarily coming to the country the following assistance, privileges and guarantees, to wit :

First. The payment of their passage both by sea and by land, from the place of embarkation to any of the main immigrant depots.

The National Government may also, if it chooses, pay the passage of the immigrant from the place of his residence to the place of embarkation.

Second. Payment of landing expenses, and board and lodging of the immigrants for thirty days subsequent to their arrival.

Third. Admission free of duty of all their wearing apparel, domestic utensils, seeds, useful animals, machinery, tools, and instruments of their calling.

Fourth. Exemption from payment of any fee, consular or other, for the passport given them, and in which the circumstance that the bearer is an immigrant must be stated.

Immigrants belonging to the sixth class above described shall be taken, at the Government's expense, to the colony for which they have been engaged.

ART. 12. The Executive Power shall set apart for the immigrants above ten years of age, of the first, second, and third classes, and of the first subdivision of the sixth class, a number of lots of vacant public lands sufficient to give each one not less than five acres nor more than six, according to the fertility of the soil, its healthfulness, and its distance from the centers of population. But the grant of these lots shall be made dependent on the condition that at least the third part of their area be put under cultivation within four years, counted from the day in which actual possession of the land is given. Upon the fulfillment of this condition, the Government will make a final concession of the land in fee simple to the immigrant.

First. The National Executive shall be subject, in regard to the lands referred to in this article, to the same restrictions as are established in section first of article 27.

Second. The lands referred to in this article shall be subject to the conditions established in article 30, except in relation to the kind of cultivation.

Third. Actual possession of the lands referred to in this article shall not be given to the immigrants of the second and third classes until after the obligations of their contracts are duly fulfilled.

ART. 13. In order to save time and expense to the interested parties, the National Government shall waive all the steps and requisites not indispensable to make the title perfect, in the following cases :

First. Whenever the tracts of land referred to in article 27 are to be set aside or allotted or finally conveyed in fee simple to colonization companies.

Second. Whenever the conveyances referred to in section first of article 29 are to be made and executed.

Third. Whenever the tracts of land referred to in article 12 are to be set apart, or allotted, or finally conveyed in fee simple to individual immigrants.

Fourth. Whenever the tracts of land referred to in article 33 are to be pur-

chased from private persons, and whenever a portion of the same tracts of land is to be sold to an immigrant, under the same article.

Fifth. Whenever the lots referred to in article 34 are to be sold to preëemptor colonists, or whenever any of the second lots referred to in the same article is to be alienated.

Sixth. Whenever the title of ownership of the vacant public lands purchased by an immigrant, under art. 25, is to be executed.

ART. 14. Immigrants shall enjoy in the Republic all the rights granted by law to aliens; and if they choose to be naturalized they shall be exempted from military service during the whole of their lives, except only in case of foreign war.

#### TITLE IV.—*Duties of immigrants.*

ART. 15. In addition to the duties incumbent upon all foreigners residing in Venezuela, immigrants shall be bound to fulfill the following obligations:

First. To comply with the provisions of the contracts under which they have been brought to the country.

Second. Not to leave the country before the end of eighteen months at least, after their arrival, unless they repay the National Treasury all that has been expended for their transportation.

ART. 16. Immigrants who, before the expiration of the eighteen months above stated, should wish to return to their own countries, in order to join their respective families and come back to the Republic, shall be allowed to do so, if they give bonds to the satisfaction of the Central Board of Immigration in sufficient amount to repay all the expenses incurred by Government in bringing them to the country.

Such immigrants as shall return with their families to Venezuela are entitled to have the passage of this return trip paid by the Government. The fare to their country shall be paid by themselves, but upon their return it will be refunded to them, provided the amount thereof has been fixed, previous to the voyage, between the immigrant and the central board of immigration.

#### TITLE V.—*Formalities to be observed by companies or individuals wishing to bring immigrants and the manner of bringing them.*

ART. 17. All companies and individuals proposing to bring immigrants into this Republic shall file an application before the National Executive, asking for the proper authority to do so; and the said authority shall be granted to them, through the proper Department, on condition that they fulfill all the requisites provided in the present decree, and in all other rules and regulations which may be in force at the time when the authority is granted.

ART. 18. Before granting such authority, and before entering into any immigration or colonization contracts with a private individual or with a company, the head of the said Department shall ask the opinion of the central board of immigration. If the report be unfavorable, the head of the Department shall demand from the applicants such guarantees as may be required to protect the interests of the Treasury or of the country, and if such be not given the application shall be denied.

ART. 19. Private individuals or companies proposing to bring immigrants to Venezuela may employ for that purpose the kind of vessels or the class of passage they may prefer, but the Government shall be responsible only for the amount of the fare agreed upon between it and the applicant.

TITLE VI.—*The manner of making contracts with immigrants.*

ART. 20. Private individuals or companies having permission to bring immigrants into the Republic, and desiring to enter into contracts with said immigrants, shall be allowed to do so directly and in the usual way, by themselves or through competent attorneys or representatives, subject, however, to the restrictions established in article 22 as to the duration of said contracts. Said contracts may be also made and entered into through the respective information agents, under the rules provided in articles 21 and 22 of the present decree.

ART. 21. Private individuals or companies wishing to make their contracts through the respective information agents shall set forth in their applications the number, class, and nationality of the persons they wish to bring to the country, their sex and age, their trades or occupations, the number of hours they will be required to work, the wages to be paid them, the kind of lodging to be given them, the extent of the tract of land to be given them for cultivation, and all other particulars which may be desired. As far as consistent with their official character, it shall be the duty of the State Governments, when desiring immigration, to give notice to the National Government of all the facts and circumstances just enumerated, and to make all other explanations necessary.

ART. 22. The applications referred to in the preceding article shall be referred by the National Executive, for the proper report, to the respective information agents abroad; and when the terms stated in the same are accepted by the immigrants, a bilateral contract shall be understood to have been made and entered into between them and the applicants. This contract shall be executed before the respective consuls, and shall be binding upon the parties thereto. These contracts shall last for only two years, but this time may be extended at the will of the parties. No stipulation contrary to the Constitution and laws of the Republic, or to any international treaty, shall be allowed in these contracts.

Such contracts as are made directly between colonization enterprises and the immigrants, may be allowed to continue in force for four years.

ART. 23. Private individuals, or companies, desiring to make these contracts directly, either by themselves or through attorneys, shall set forth in their applications the number of immigrants they wish to bring to the country, their nationality, sex, trade or occupation, and their approximate age.

#### TITLE VII.—*Purchase of public lands.*

ART. 24. Such immigrants as may purchase public lands during the first two years of their residence in the Republic shall not be bound to pay the price thereof until after the expiration of four years, counted from the day in which they enter into actual possession of the purchased land; but they will not be allowed to sell or transfer said land during this period.

ART. 25. The patent, or title of ownership, shall not be delivered to the immigrant until after he has paid up the stipulated price, and given sufficient proof both of his residence in the tract of land referred to, and of his having put the same under cultivation.

ART. 26. The prices to be charged under the present decree for national public lands are as follows: \$3.12 per acre for agricultural lands, and \$386 per square league for pasture lands, or lands suitable for raising cattle.

#### CHAPTER II.—COLONIZATION.

##### TITLE I.—*Colonization in public lands by private individuals or companies.*

ART. 27. The Executive Power shall grant all private individuals or companies, which may desire to establish colonies, all such tracts of public lands as they may ask for, provided they bind themselves to cultivate said lands, within the period of four years counted from the day of possession, with immigrants introduced through the National Government.

First. The Executive shall have no power to grant for these purposes any tract of land already occupied or cultivated by Venezuelans who are willing to purchase it, or any tract of land which has been denounced by private parties, or which abounds in valuable timber, suitable for building purposes or for cabinet-making, the preservation of which may be deemed to be desirable for the national interests.

Second. The grant of the lands referred to in this article shall be made by the Executive Power in proportion to the number of immigrants over ten years of age; but the grant shall never exceed seventeen acres, nor be less than five and one-half, for each immigrant, and in all cases it shall be determined in



accordance with the degree of fertility and salubrity of said lands and their distance from the center of population.

Third. The Executive Power shall cause these lands to be surveyed by a surveyor appointed by it for this purpose.

ART. 28. The Executive Power shall cause the colonization companies to stipulate in their contracts for colonization in public lands that half of the lands granted them for this purpose shall be distributed among the colonists and conveyed to them in fee simple.

ART. 29. If, after the expiration of the four years spoken of in the preceding articles, it be proved to the satisfaction of the Executive Power, by the colonization company, that one-third at least of the lands granted has been brought under cultivation, by the establishment of regular farms or estates therein, and that this has been done chiefly with immigrants introduced by the said company, then and in that case the Executive Power shall issue and deliver to the latter the patent, or title of ownership in fee simple of the lands thus granted.

The colonization company shall then convey in fee simple to the colonists the lands which under Article 28 belong to them.

ART. 30. Those lands which at the expiration of the four years above referred to are not under cultivation, in the proportion and in the manner spoken of in the preceding article, shall return to the possession of the Republic as public lands.

## TITLE II.—*Colonization on public land by private parties or companies.*

ART. 31. In order that an aggregation of immigrants on a tract of land belonging to private parties may be considered a colony, the following shall be required:

First. That the owner of the land shall have previously declared his intention to found the said colony, and asked for the authority to do so from the proper Executive Department.

The application for this authority shall set forth particularly all the conditions under which the applicant intends to found his colony, and especially the number of persons of which it is to consist. The Department shall refer this application for the proper report to the Central Board of Immigration, which may ask for further information, if in its judgment the application does not contain all the explanations necessary.

Second. That the colony shall consist of at least five hundred immigrants brought into the country with the expressed purpose to form it.

Third. That the colony shall contain at least one hundred dwelling houses, and that subsequent to the foundation of the colony 1,235 acres of the land thereof shall have been brought under cultivation.

Fourth. That the greatest part of the immigrants who form the colony shall have resided within its limits for at least five consecutive years.

ART. 32. Upon the fulfilment of the requisites set forth in the preceding article each one of the immigrants who form the colony shall be entitled, as soon as his own contract with the owner of the land is duly complied with, to receive from the National Treasury the sum of \$19.30, which shall be paid to him in lieu and in compensation for the public lands which the Nation has not given to him. And the owner of the land wherein the colony has been founded shall also be entitled to receive from the Government, in remuneration of his efforts, \$11.58 for each immigrant over ten years of age.

Failure on the part of the owner to comply with the requisites provided for in the preceding article shall, if in the opinion of the central board of immigration it depends upon his will, render him liable to the immigrants for the damages they may have sustained; but if the failure depends upon the immigrants themselves, then they shall be bound to indemnify the owner.

The amount of the indemnities herein provided for shall never exceed \$19.30 when paid by the owner to the immigrant and \$11.58 when paid by the immigrant to the owner.

TITLE III.—*Colonization on lands purchased by the National Government from private parties.*

ART. 33. The Government shall have power to purchase lands from private parties for colonization purposes only in case they are uncultivated. The lands thus purchased shall be divided, as their topographical conditions permit, into equal portions, not exceeding ten acres each, and disposed, as far as practicable, in a checkered form. Of these the Government shall sell these lots, that is to say, reserving or leaving one lot unsold between two sold. The unserved lots shall be offered for sale on easy terms, according to their special circumstances, to the first immigrants, founders of the colony, and the reserved ones shall be disposed of afterwards, either by sale at public auction or by grant or contract; but this shall not be done until the value of the reserved lands has increased sufficiently to compensate for the losses sustained in the sale of the others.

First. On equal terms, preference shall be given for the acquisition of the reserved lots to the owners of the ones not reserved.

Second. All owners are bound to give each other the right of way in the manner which may be least injurious to them.

Third. The Government shall distribute the water as equitably as possible among the different lots into which the ground is divided.

ART. 34. If the Government desires to establish a town in an agricultural colony, such portion of the lands as may be sufficient for a public square shall be reserved. The principal public buildings shall be erected facing the said square. The balance of the ground set apart for the town shall be divided into squares of one hundred and ten yards on each side, separated from each other by streets forty-seven feet wide. Each square shall also be subdivided into lots of greater or less size, facing the street. These shall be sold alternately, as provided for in the foregoing articles for the agricultural lots; but no preference whatever shall be given for the acquisition of the reserved lots to the purchaser of those not reserved.

ART. 35. When the colony has been founded by the National Government on lands purchased to that effect from private parties, the colonists shall have the right to elect their own police authorities.

ART. 36. In no case shall the Government have power to compel the lawful owner of a tract of land to cede it or sell it, either wholly or in part, for the establishment of colonies, nor to force the said owner to sell separately from the ground any particular building, water-course, or spring belonging to them.

#### TITLE IV.—*Colonization made by the National Government on public lands.*

ART. 37. The purpose of the Government being to promote the foundation of colonies under its direct control on public lands, sections of the said lands, measuring at least 7413 acres, shall be set apart by the National Executive; and there shall be located, according to the necessities of the case, the tract to be given to each immigrant of the first and third categories and of the first subdivision of the sixth category. The National Executive shall cause these tracts to be previously surveyed and classified, in order to locate them as directed.

As soon as the colony counts at least five hundred foreign settlers they shall have the right to elect their own police. The Government shall also assist them, as far as permitted by the circumstances of the National Treasury, in opening roads which may render easier or safer communication between those localities and the nearest highway or railroad extension. Said road shall be twenty feet wide, with a grade not exceeding six per cent.

#### CHAPTER III.—SOLE TITLE.

##### *General provisions.*

ART. 38. The provisions made and enacted in this decree shall be made known to each immigrant before he leaves his country, and it shall be the duty of the respective agent or consul for Venezuela to impart to him this information, and to make a record of the fact on a registry to be kept for this purpose.

ART. 39. It shall belong to the National Executive to make such rules as may be necessary to carry into effect the provisions of the present decree, fix the powers and duties of the Central Board of Immigration, and to establish for that purpose such boards, offices and immigrant depots, etc., etc., as may be required.

ART. 40. A suitable amount shall be included in the general appropriation bill of each year, sufficient to provide for this matter, and to promote immigration and colonization in Venezuela.

ART. 41. The Secretary of "Fomento" shall attend to the proper execution of the present decree.

Given under my hand and the great seal of the nation, and countersigned by the Secretary of "Fomento" at the Federal Palace of the Capitol, at Caracas, this 7th day of January, 1893.

JOAQUIN CRESPO.

V. RODRIGUES,

*Secretary of "Fomento."*

## APPENDIX.

### BRITISH GUIANA.

Mr. Philip Carroll, United States Consul at Demerara, British Guiana, submitted to the State Department of the United States, on the 28th of July, 1891, in answer to instructions from the same, the following report:

REPORT UPON THE LAWS AND REGULATIONS OF THE CONSULAR DISTRICT OF DEMERARA RESPECTING PUBLIC LANDS, AS PER CIRCULAR OF THE DEPARTMENT DATED FEBRUARY 10, 1891, FOR BUREAU OF AMERICAN REPUBLICS.

1. What are the laws of the country in which you are located respecting the sale and the settlement of the public lands?

Answer. The laws and regulations upon this subject are so extensive that it is deemed proper to forward the same herewith, as it is feared extracts therefrom would not be satisfactory.

2. What is the extent of the unoccupied Government territory and what is its character?

Answer. The extent of this colony appears not to have been determined thus far. Besides the dispute as to its limits and extent between Her Majesty's Government and that of Venezuela, there is a great diversity of opinion in the colony as to the extent of that conceded by Venezuela, in which I have heard the unoccupied government land estimated to be as high as 98,000 square miles, and again the entire colony at only 69,000 square miles. It is therefore impossible that in the absence of official data, which appear thus far wanting, to even approximate the extent or limits of the colony and the unoccupied Government territory therein. The character of that, however, said to be unoccupied embraces forest, savanna, and mountain land. Of that known as "savanna" land there appear to be two kinds—that is, the lower and more alluvial tracts, which are contiguous to the seacoast and tidal parts of the principal rivers, but not including the cultivated districts extending back for many miles. These lands are entirely destitute of trees or brush growth, being covered with a thick rush or reed-like vegetation, and during the rainy season entirely under water.

The savanna lands far in the interior are of a very different character, being of a greater elevation and destitute of the swampy characteristics referred to as pertaining to the coast and river lands. These higher savanna lands occur in extensive belts, alternating with mountain ridges, from the upper waters of the rivers to the Brazilian border. The forest lands seem to be much more extensive than those of the savanna or prairie lands, and in these are found the rich auriferous and mineral deposits which now appear to be attracting somewhat more than ordinary attention and capital, as also the tracts of greenheart and other native woods, from which is obtained the timber exported from this colony.

3. Is there any limit to the amount of land that may be secured by purchase, lease, or colonization?

Answer. There is apparently no limit to the amount that may be secured, but under section 5 of the regulations the extent of each tract as specified must not be less than 25 nor more than 250 acres, unless the governor directs otherwise.

4. Are there any preëmption or homestead laws?

Answer. None.

5. What distinction is made in the sale or settlement of mining, timber, mineral, or agricultural lands?

Answer. There does not seem to be any distinction save in the form of application in the first place. As these are developed, however, or so far as mining and mineral lands are concerned, they are subject to the laws and regulations to which reference has been made in answer No. 1 in this report and that quoted in the report on the mining laws of this colony.

6. What is the price and recognized value of such lands?

Answer. The minimum price is fixed by law at \$1 per acre, but as to the maximum value it would be difficult, if not impossible, to state; which would depend upon the quality or production.

7. Is there any distinction made in the public land laws between citizens and aliens?

Answer. Apparently none.

8. What attempts have been or are being made by the Federal Government or provincial authorities to encourage immigration, and how far have they been successful?

Answer. In this colony immigration is conducted on a very large scale. In fact, immigration, so far as the sugar industry is concerned, appears to have been its chief stimulant—that is, to the extent and in the sense in which labor stimulates all industries. And all matters pertaining to immigrants and emigrants are vested in a special department, the head of which holds a seat in the

executive council or official section of the legislature. His report for 1890 is forwarded per late mail.

The report of the immigration agent-general for 1890, copies of which have been courteously furnished this office, states that during that year 4,618 East Indian coolies arrived from Calcutta. These immigrants were all under indenture to the various sugar estates. In addition to these the report states that "there were twenty-three men, sixteen women, and three boys who paid the cost of their passages to the colony and were registered as 'casuals' on arrival." At the expiration of five years, which is the period of indenture as established by law, each immigrant is entitled to a return passage to India at the expense of the Government, or to a sum of money equal to the cost of transportation. The same report shows that, in 1890, 2,125 East Indians availed themselves of the opportunity to return.

9. Where do the immigrants come from, and what is their character and condition?

Answer. About 75 per cent from British East India, and the rest from Barbados, China, and the Portuguese insular possessions of the Atlantic.

The East Indians generally on landing present a fine, robust appearance, supposed to be acquired during the long period of transit and from the abundance of food served out, but after a few months this appearance changes, and they become thin and gaunt; but this condition seems better adapted for their work than that in which they came. They are thrifty and industrious, generally docile, and easily managed.

#### BRITISH GUIANA.

##### AN ORDINANCE TO PROVIDE FOR THE PROPER REGULATION OF THE CROWN LANDS, FORESTS, RIVERS, AND CREEKS OF THE COLONY.

*To all whom these presents do, may, or shall come, greeting! Be it known:*

Whereas it is expedient to provide for the proper regulation of the Crown lands, forests, rivers, and creeks of the colony: Be it therefore enacted by His Excellency the Governor of British Guiana, with the advice and consent of the court of policy thereof, as follows:

#### *Preliminary.*

1. This ordinance may be cited for all purposes as "the Crown lands ordinance, 1887."

2. In this ordinance, unless the context otherwise requires, "boat" means any vessel or craft, and includes the tackle, apparel, and furniture belonging to or used therewith.

“Crown lands regulation” means any regulation contained in the first schedule to this ordinance or any regulation made and passed by the governor under the provisions of this ordinance.

“Vehicle” means anything used in conveying on land any substance or thing seized or liable to seizure under this ordinance, and includes any animal attached to or used with such vehicle, together with all harness, tackle, and appurtenances.

*Grants and licenses.*

3. Subject to the provisions of this ordinance, the Crown lands and forests of the colony may be granted or sold by the governor in the name and on behalf of Her Majesty.

4. Subject to the provisions of this ordinance, the governor, in the name and on behalf of Her Majesty, may issue licenses to cut wood in the Crown forests or may grant permission or issue licenses to occupy any portion of the Crown lands or to take or obtain any substance or thing found in the Crown lands or forests.

Provided, that no license shall issue under the provisions of this ordinance to take or obtain any mineral except stone for building, or road material, or for constructing sea defenses.

5. The governor, in the name and on behalf of Her Majesty, may issue free grants of Crown land in such localities and allotments and subject to such conditions as may from time to time be approved by the Governor and Court of Policy.

6. And whereas in certain cases where grants or licenses have been or are presumed to have been issued it is expedient to issue grants of Crown lands or licenses to occupy Crown land on special conditions: Be it enacted that it shall be lawful in such cases for the governor to issue a grant of Crown land or a license to occupy Crown land on any conditions, but no such grant or license shall have any force or effect until the same has been approved by the governor and Court of Policy.

7. Where any Crown lands are empoldered by or under the direction of the Colonial Government, the lands so empoldered, if the governor consents thereto, shall be deemed to be vested in the colony.

Where any Crown lands are so empoldered, and the governor consents thereto, the governor shall cause a grant of such lands to and in favor of the colony to be issued under his hand and the public seal of the colony, describing the lands so empoldered and certifying that such lands have been so empoldered, and thereupon such lands shall vest in the colony:

Provided, that nothing herein shall be deemed to confer any right to any minerals in such land, which shall remain the property of Her Majesty.



*Conditions and limitations.*

8. Every grant or license issued by the governor, except any grant or license issued under the provisions of sections five, six, or seven of this ordinance, shall be subject to the Crown-land regulations for the time being in force.

9. No grant or sale of any Crown lands shall be deemed to confer, or to have conferred, any right to any mineral in such Crown lands, and all such minerals, notwithstanding any such sale or grant, shall be deemed to remain and shall remain the absolute property of Her Majesty.

10. No permission and no license, except licenses issued under the provisions of section six of this ordinance, to occupy any of the Crown lands or forests, shall be issued, except in accordance with the Crown-lands regulations for the time being in force:

Provided, that the provisions of this section shall not apply to any license or privilege which may lawfully be granted to mine or search for or take any valuable mineral.

11. No grant or license, except any grant or license issued under the provisions of sections five, six, or seven of this ordinance, shall be issued under this ordinance except on a written application by or on behalf of the person desiring the same, and after notice of the same has been published by the Government Secretary one day in each of four successive weeks.

12. Before any grant of Crown land is issued, except any grant issued under the provisions of sections five, six, or seven of this ordinance, the land proposed to be included in such grant shall be exposed to public competition at auction at the upset price, which may also from time to time be fixed by the Crown-land regulations.

13. Where two or more persons desire to obtain a license under this ordinance for similar or any privileges in the same land or for the same or similar privileges, or where it may appear expedient to the governor to do so, the governor may direct that a license for stated privileges shall be exposed to public competition at auction.

14. Where any grant or license is exposed to public competition the following regulations shall be observed, that is to say:

(1) Public notice of the time and place at which such grant or license shall be exposed to public competition shall be given for at least twenty-one days before the day on which it is so exposed to public competition.

(2) The Crown Surveyor, or any officer of the Government Land Department authorized by the Crown Surveyor, shall expose to public competition at auction such grant or license as the governor has sanctioned being so exposed at auction.

(3) Where any grant or license for any privileges is applied for under this ordinance, the land proposed to be comprised in such grant, or the license for such privileges, may be exposed to public competition at auction as a whole, or may be divided and separately exposed to public competition, as may appear to be most advantageous to the public interest.

(4) The person offering the highest sum at such public competition shall, if a grant or license be issued to him, pay the church and poor rate payable by the purchaser on sales at public auction.

15. Where any grant or license is exposed to public competition, the person offering the highest sum (if such highest sum be equal to or above any upset price which may be fixed) shall be deemed to have a preferent claim to such grant or license, if the governor deem it expedient to issue such grant or license, but nothing herein contained shall be deemed to give any person a right to any such grant or license.

16. Any person claiming any interest in any land proposed to be included in any grant or in any license under this ordinance, or having any reason to oppose the issue of any grant or license, may lodge in the office of the Government Secretary his reasons of objection, which must be in writing, and the grant or license so objected to shall not be issued until the governor has decided as regards the validity of such objections.

17. It shall not be compulsory on the governor to grant, sell, or dispose of any portion of the Crown lands or forests of the colony, or to issue any license under this ordinance in any case whatsoever.

#### *Forfeiture and determination.*

18. Where any condition of any grant or license is not complied with or where any of the Crown land regulations the breach whereof entails forfeiture is not complied with, the grant or license shall thereupon expire.

19. Where any grant or license in any way expires, all buildings and erections on the land at the time when the grant or license expires shall absolutely belong to Her Majesty.

20. Where any grant or license expires, in consequence of the noncompliance with any condition or Crown land regulation, the unpaid portion of any rent or acre money to be paid in respect of the unexpired portion of the term mentioned in such grant or license shall fall due and become payable and may be recovered by summary execution against the grantee or licensee and his sureties.

*Regulations.*

21. The governor and court of policy may from time to time make and when made alter or revoke regulations for any of the purposes of this ordinance.

And that no ignorance may be pretended of this our ordinance these presents shall be printed and published in the customary manner.

Thus done and enacted at our adjourned quarterly assembly held at the Guiana public buildings, Georgetown, Demerara, this twenty-fifth day of May, one thousand eight hundred and eighty-seven, and published on the same day.

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FIRST SCHEDULE.*Regulations with respect to the sale of Crown lands.*

(Repealed in 1890.)

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SECOND SCHEDULE.*Fees to be paid.*

(See regulations of 1890.)

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The St. Thomas Tidende, of April 9, 1892, published a paragraph stating that a rich London syndicate had entered into an agreement with the governor of British Guiana to procure the incorporation in England of a company with a nominal capital of not less than £2,000,000, and having for its primary object the exploration and development of the resources of certain parts of its territory. Within six months from incorporation the subscription of not less than £50,000 is guaranteed. In return, a concession is asked for conferring on the company the exclusive right for fifty years to explore, develop, and turn to account the resources of the territory, and during the first five years of the term £50,000 is to be spent. A contribution of £500 per annum is agreed to for the cost of police. The company ask the right

of constructing roads, railways, telegraphs, tramways, canals, and also that, subject to the approval of Government, of fixing tolls, rates, duties, and charges for the carriage of passengers and goods and dispatch of telegraph messages, etc. The concession to be determinable at the end of five years if the company has not expended £50,000 or upwards, but at the end of fifty years they are to remain in perpetuity in possession.

#### DUTCH GUIANA.

Mr. William Wyndham, acting-consul of the United States at Paramaribo, Dutch Guiana, submitted, on the 20th of June, 1891, in response to a circular of the Department of State of the United States, a report from which the following is extracted:

The colony possesses about 41,500,000 acres of land, of which about 24,700,000 are as Government unexplored. It may be considered as bushland, and mountainous in the interior.

Colonization can be carried out only by colored people, who could stand the climate, which in the interior appears to be unfitted for Europeans.

The laws of the colony do not appear to deal with preëmption or homestead regulations.

Separate ordinances are published, regulating the sale of mining, timber, and mineral lands. As regards agricultural lands, as yet beyond old estates growing sugar and cacao and coffee, all agriculture is confined to small holdings for the production of ground roots, cassava, and vegetables. Cereals are not cultivated.

Land can be obtained by the payment of a small annual tax. Its value can not be estimated. It may be rich in ore, or timber, or any other of the undeveloped resources of a country, as yet but partly explored, rich where it is already cultivated (or mineral) by a population which is almost entirely resident in town or its vicinity and totally inadequate for the development of the colony.

No distinction exists between citizens and aliens in regard to the possession of property.

The government of the colony receives willingly every new comer and affords him every protection.

The immigrants are mostly West Indian Negroes in search of work in the gold placer washings; East Indians, who are under contract for field and factory

labor, with a right to be repatriated at the expiration of their contracts, and Chinese who originally came contracted as coolies, are now free, and are engaged chiefly as small storekeepers, etc. The West Indian Negroes are good workmen, suited to the climate. The East Indians are a quiet race, working well, and saving their money to carry back when their contracts expire. The Chinese are nearly all settlers and are quiet, peaceable shopkeepers. A few, about one hundred, Javanese have been imported as an experiment, but it is improbable that any large number will be imported.

The colony is rich in soil, timber, and minerals, but requires hands, and if the colored people in America could be induced to emigrate to the colony it affords a large opening for their labor, and those possessing a little capital might easily find a comfortable home here.

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#### GUADELOUPE.

Mr. Charles Bartlett, United States consul at Guadeloupe, submitted, on the 25th of May, 1891, in answer to a circular of the State Department of the United States, the following report:

##### CONSULATE OF THE UNITED STATES AT GUADELOUPE,

May 25, 1891.

SIR: I have the honor to acknowledge receipt of a circular dated Washington, February 10, 1891, wherein there are interrogatories concerning public lands.

In reply, I have the honor to inclose herewith the answers to these interrogatories.

I am, sir, your obedient servant,

CHARLES BARTLETT,  
U. S. Consul.

HON. WILLIAM F. WHARTON,  
*Assistant Secretary of State, Washington, D. C.*

##### REPORT CONCERNING PUBLIC LANDS.

(1) What are the laws of the country in which you are located respecting the sale and the settlement of the public lands?

Answer. There are no laws concerning the sale of public lands; it is acquired, by purchase, with great difficulty; it first has to be advertised in the papers, *commodo* and *incommodo*; if no opposition is made it then goes before the governor and his privy council; if they decide favorably it is then sent to the

ministry in France for their decision. It is only in rare cases that Government land has been purchased. The colonial government has the right to lease, and generally does lease the public land for a term of years; but in this case it has to be advertised in the local papers, *commodo* and *incommodo*, and, if no opposition be made, it then passes before the governor and his privy council, and almost invariably the lease is granted.

(2) What is the extent of the unoccupied Government territory, and what is its character?

Answer. The Government owns about 98,800 acres of land in the mountains, all of it covered, with the exception of the top of the mountains, with different kinds of woods, some of them very valuable for cabinetwork; but the cost of getting it to market is greater than can be realized. Therefore it is of very little or no value in the forests.

The colonial government also owns 50 paces from high-water mark on all lands bordering the sea; but the people owning land adjacent to these 50 paces have the free use of said 50 paces, unless the Government wants it for its own use. There are also military reserves belonging specially to the military, near the forts, and also a small tract of land at Camp Jacob, in the highlands near Basse Terre. This land is leased in small lots, with the reserve that if it be required for military purposes the leaseholder shall remove his buildings without any redress as to damages.

All the land adjacent to Fort Union is leased in small lots, as there is excellent sea bathing.

For the past century no person leasing these lots of land has been disturbed by the military. I, myself, have a lease of 28 acres of land, for which I pay 15 francs a year to the Government; and the other lots are leased at about the same proportional prices.

(3) Is there any limit to the amount of land that may be secured by purchase, lease, or colonization?

Answer. The answer to the second interrogatory will cover this.

(4) Are there preëmption or homestead laws?

Answer. There are none.

(5) What distinction is made in the sale or settlement of mining, timber, mineral, and agricultueal lands?

Answer. No distinction. There are no mining nor mineral lands, excepting sulphur in the mountains, which it will not pay to work.

(6) What is the price and recognized value of such lands?

Answer. The price of leased lands is very low, excepting in particular localities.

(7) Is any distinction made in the public-land laws between citizens and aliens?

Answer. There is none; but if a French citizen and a foreigner should make applications for the same lot of land, I think the French citizen would have the preference.

(8) What attempts have been or are being made by the federal Government or the provincial authorities to encourage immigration, and how far have they been successful?

Answer. They have made no attempts for immigration to settle up the public lands. The immigration that the Government has had anything to do with is that of the coolies for laborers.

(9) Where do the immigrants come from and what is their character and condition?

Answer. The immigrants come from Calcutta or Pondicherry, and are field laborers under a Government contract to serve on the plantations for the term of five years, at the expiration of which, if they are desirous of returning, they are sent back at the expense of the colonial government.

#### CUBA.

Many efforts have been made at various times in the island of Cuba to attract to its shores the beneficial currents of foreign immigration. They have succeeded fully in so far as securing the settlement in the country of a large number of citizens of the United States and of German subjects, who, by engaging in agriculture and commercial business, have contributed largely to the development of the wealth of the island. As there are no public lands in Cuba to any extent worthy of mention, no measure of colonization, properly so called, has been accompanied with success. Colonization must be undertaken by private enterprise, unless private property is taken by the Government for that purpose—which would hardly be possible under the laws of Spain in force in Cuba—or under contracts which so far have proven to be little short of slavery.

The famous royal ordinance of October 21, 1817, generally known by the name of *Real cédula de colonización* (royal ordinance of colonization), is well known in the United States. A

translation of it into the English language was appended to a dispatch of Mr. W. L. Sharkey, consul of the United States at Havana, addressed under date of February 13, 1852, to Mr. Webster, Secretary of State, and printed, together with its inclosure, on page 115 and the following, of Executive Document No. 86 of the House of Representatives of the United States. Thirty-third Congress, first session.

That ordinance settled the point, exceedingly important for Americans, as well as for all foreigners, as Mr. Webster very aptly remarked, that settlement in the island of Cuba implies in no way the forfeiture of the rights of citizenship of the domiciled foreigners in their respective countries, or the assumption by them of any obligations inconsistent therewith; and that "no acts should be deemed acts of expatriation (on the part of the said domiciled foreigners) except such as are openly avowed and fully understood."

The following is the text of that memorable ordinance:

THE KING.

To the Governor and Captain-General, Intendant of the Army and of the Royal Treasury of the Island of Cuba:

Whereas, in your letters of the 17th and 18th of June of this year, you have endorsed the petition submitted through you by the city council, the royal consulate, and the Royal Economical Society of Havana, to the effect that the privileges granted by me to the island of Puerto Rico by royal ordinance of August 15, 1815, be also granted to Cuba, with such amendments and explanations as are therein suggested; and whereas in the said petition a succinct statement is made of the area of the island, the number and circumstances of its inhabitants, the condition of its agriculture, and the scarcity of laborers, it being thereby shown that one of the most important portions of my royal dominions is now practically unpopulated and defenseless, and that a vast area of ground, capable of yielding the fruits which are most coveted by other nations, remains uncultivated and idle; and whereas the petitioners aforesaid say that upon the most careful and mature consideration of this subject, whose magnitude is so apparent, they can discover no other remedy, capable of meeting in the proper way all the requirement of the situation and of satisfying the different



aspirations, than the increase of the white population, by inducing Spaniards from Peninsular Spain and from the Canary Island to come to Cuba, and in default of these European Catholics, from any nation whatever friendly to Spain; and whereas you have recommended the said petition, and stated that the granting thereof is very necessary for the preservation and welfare of an island so valuable as Cuba, I have therefore been pleased, upon the proper consideration and report of all the authorities concerned, to decide and decree as follows:

ARTICLE 1. All foreigners from countries or nations at friendship with me, who are already settled, or may hereafter desire to settle, in the island of Cuba, must establish, by the proper means, before the Government thereof, that they profess the Roman Catholic religion, and without this indispensable circumstance they shall not be allowed to settle there; but my subjects from these dominions, or the Indies, shall not be obliged to do so, as there can exist no doubt in regard to their religious principles.

ART. 2. From the foreigners that should be admitted, in conformity with the previous article, the governor shall receive the oath of fidelity and allegiance, offering to comply with the laws and general regulations of the island to which Spaniards are subjected.

ART. 3. After the foreign settlers have been residing five years on the island, and after binding themselves to remain there perpetually, they shall be granted all the rights and privileges of naturalization, and the same to the children that they may have taken there with them, or that may be born on the island; and they may be admitted to all public and military employments, according to the talent or capability of each.

ART. 4. No tax per head or personal tribute shall ever be imposed upon the white settlers; they shall only pay for their negro or mulatto slaves at the rate of one dollar per year for each slave, after ten years of residence on the island. This rate shall never be increased.

ART. 5. Within the first five years the Spanish and foreign colonists shall be at liberty to return to their countries or former residences; and in such cases they shall be permitted to take away from the island all the moneys or property that they took there, without paying export duties; but on the increase of property they must pay the per centum.

ART. 6. I grant to the old and new colonists dying on the island without necessary heirs (*heredicos forzosos*) the privilege of leaving their property to their relations or friends, wheresoever they may be; and if their successor should desire to settle on the same, they shall enjoy the rights granted to the testator; but should they prefer to take away the inheritance, they may do so by paying upon the total fifteen per cent for exportation duty, if it take place after five years residence of the testator on the island, and if before the expiration of that

time they shall pay only ten per cent, in conformity with what is ordained in the preceding article. The parents, brothers, or relatives of settlers dying intestate shall inherit the whole of their property, even if they reside in foreign countries, on the condition of coming to settle on the island, if they are Catholics; but if they can not or will not settle there, then I permit them to dispose of their inheritance by sale or cession, according to the rules explained in the two preceding articles.

ART. 7. I likewise grant to foreign colonists holding landed property on the island that, in conformity to the Spanish laws, they may leave, by will or other disposition, the real property they may be possessed of, and not admitting of easy division, to one or more of their children, provided no injury be thereby caused to the rights of the others or of the testator's widow.

ART. 8. Any settler that, on account of lawsuits or other urgent and just motives, should need to go to Spain, other provinces of my Indies, or to foreign dominions, shall ask permission of the governor, and may obtain it, provided it be not to unfriendly countries or to carry away his property.

ART. 9. Colonists, Spanish as well as foreign, shall be free, for the term of fifteen years, from the payment of tithes upon the products of their lands; and after the expiration of that time (which must be reckoned from the date of the decree) they shall pay only two and a half per cent, which is one-fourth of the tithe.

ART. 10. They shall also be exempt from the payment of royal alcabala dues on the sales of their products and commercial effects for the term mentioned, and after the expiration of it, only two and a half per cent; but everything shipped by them on Spanish vessels bound for these kingdoms shall be forever free of all export dues.

ART. 11. As all the colonists must be armed, even in time of peace, to be respected by their slaves and to resist any invasion or attack by pirates, I declare that this obligation must not be considered as binding them to serve in the regular army,—that it will be sufficient for them to present their arms every two months at the review made by the governor, or officer deputed for the purpose; but in time of war or mutiny of slaves they shall contribute to the defence of the island, according to the measures that its chief may deem proper to take.

ART. 12. Vessels of any size or build whatsoever, belonging to old settlers, must be taken to the island, and after being registered shall be considered as Spanish, and also such as they may acquire in foreign countries by purchase or other legitimate title; and these shall be exempt from duties as foreign vessels, or for being registered. Those settlers who may be desirous of building vessels on the island shall be permitted by the Government to cut and use the necessary

wood, except only such as may be destined for building vessels for my royal navy.

ART. 13. Foreigners that may hereafter go to the island with the intention of settling on it must prove that they profess the Roman Catholic religion; must make known to the Government the trade or honest and useful profession to which they intend to apply themselves, and the property or moneys they import; which they shall be permitted to take away again, free of duty, if within the first five years they should so determine, to their countries or former residences.

ART. 14. After the Government has declared the colonist to be of admissible circumstances, a record shall be kept of his name, country, family, profession or trade; the district or jurisdiction in which he intends to settle, and the amount of money or property that the settler may state to be his; after which a domiciliary letter shall be issued in his favor, an oath of faithfulness and allegiance being first received, wherein he shall promise to comply with the laws and regulations to which Spaniards are subjected.

ART. 15. A record shall be kept at the office of the Royal Treasury of the domiciliary letters, expressing in it the property or moneys stated by the settler, as a knowledge must be had for the case of their being again exported; and also by the council of the district, and by the commandant and justice thereof, without causing to the settler any expense for these proceedings, or charging him any fees whatsoever.

ART. 16. The domiciliary letters shall authorize colonists to be considered as residents of the island, and their persons and property shall enjoy the same inviolability as those of old residents. From the courts they shall receive good treatment and justice, and from the other residents all the aid and favor they deserve of for their qualities and good behaviour. They shall also always have the liberty of applying to the Government, and of receiving its protection, if any injury or detriment should be done to them.

ART. 17. Foreign colonists, after obtaining the domiciliary letter, may acquire all kinds of landed property on the island in town or country, with the same requisites and privileges as the Spanish residents. They shall be permitted to change their residences, or to remove from one district to others, with the knowledge of the respective territorial authorities. Those having useful trades or industry shall be allowed to settle and exercise it wherever it may suit their convenience, with knowledge of the authorities.

ART. 18. Foreign colonists can not, during the first five years of residence, employ themselves personally in maritime commerce, nor have shops or stores, nor be owners of vessels. But they may be interested in company or copartnership in the mercantile transactions of Spaniards, and the contracts made by

them with these, verbally or in writing, shall have the same value and legal force as if they were between one Spaniard and another.

ART. 19. The liberty of foreign colonists to return to their countries or former residences during the first five years is absolute, unlimited, and without conditions. They may take away their property or dispose of it as they think fit.

ART. 20. In case of war with the country of which domiciliated foreigners are natives, they shall not lose the rights and advantages of their residence on the island of Cuba. Even if the first five years have not elapsed, their property shall not be subjected to embargo, sequestration, nor any of the ordinary or extraordinary measures of the state of war. Those who, notwithstanding the war, should desire to remain on the island to complete the five years and become naturalized, shall be permitted freely to do so, if known to be of good character and habits. Those preferring to leave the island shall be allowed sufficient time to conveniently arrange their affairs and dispose of their property; being permitted to take away, free of duty, such property, or the equivalent thereof, as they introduced into the island, and paying on the excess the ten per cent stated in the 16th article.

ART. 21. Domiciliated, as well as naturalized colonists, may dispose of their property by will, or in any other authentic form; in case of death, their wills shall be religiously fulfilled; should they die without will or testament, their children or nearest relatives shall be their legitimate heirs, with the same rights the deceased had.

ART. 22. It is declared that there never shall be put into practice on the island of Cuba the rights, usages, or customs known in other nations under the name of *aubaine escheatage*, or others by which the Government and Treasury sequesters the property of foreigners at their death; which rights or customs, though they may be applied in cases of transient passengers, shall never be understood or applied to these that are domiciliated.

ART. 23. Within the five years of residence the colonists shall not be subjected to any contributions whatever, nor to the residence taxes established in the circular of 1st December, 1815, except only in the case of public calamities, dangers to the country, and defence of the coast against robbers or pirates; in which extraordinary events, or other similar ones, all must lend their aid and favor, according to the well-known principles of natural and international law.

The above ordinance of colonization was supplemented on the 4th of July, 1870, by the *Ley de Extranjeria*, statute on aliens, which is still in force in the island of Cuba, and reads as follows:

## REGENCY OF THE KINGDOM, DEPARTMENT OF THE COLONIES.

*Laws.*

I, D. Francisco Serrano y Dominguez, regent of the kingdom by the will of the sovereign Cortes, to all those who shall see and hear the present greeting: Know ye that the Cortes of the Spanish nation, making use of their power, have decreed and approved the following:

TITLE I.—*Aliens and their residences.*

## ARTICLE 1. Are aliens—

- (1) All persons born of alien fathers outside of the Spanish territory.
- (2) Those born outside of the Spanish territory of alien father and Spanish mother, while they do not claim Spanish citizenship.
- (3) Those born on Spanish territory of alien parents, or of alien father and Spanish mother, while they do not make such claim.
- (4) Spaniards who have lost their citizenship.
- (5) Those born outside of the Spanish territory of fathers who have lost their Spanish citizenship.
- (6) Spanish woman married to an alien.

The national ships are considered as part of the Spanish dominion.

ART. 2. Aliens who according to laws obtain naturalization papers, or acquire residences in any township of the Spanish colonies, are regarded as Spaniards.

ART. 3. Aliens can enter, reside, and establish themselves freely in the territory of the Spanish colonies. They will be divided into *residents*, *transients*, and *emigrates*, will pay the rights and duties this law provides for, and besides will be subject to all the laws and regulations in force in those provinces.

The *residents* are those who keep open house or have resided three years in the province, or are inscribed in the register as residents.

The *transients* are those who have none of the precedent qualifications.

The *emigrates* are those who, wanting the same qualifications, are not inscribed in the register as transients and have resided for over three months in the province.

ART. 4. Aliens arriving on the Spanish territory of the colonies, and who desire to be inscribed in the register as residents or transients, must present to the civil authority of the place the passport or corresponding document identifying their person.

Should they not have any, the testimony of witnesses will be taken before the same authority.

The one or the other can be done before the respective consuls, who, in such case, will send to the civil authority the proper evidence full and authenticated.

ART. 5. The alien who shall not identify himself by any of the means prescribed in the anterior article will be considered as emigrate after three months' residence.

ART. 6. The provisions of article 4 being accomplished, a certificate will be issued to the alien, so that the identity of his person may be accredited in any part of the territory he chooses to go to; in the mean time he will be inscribed in the *register of aliens* and receive the corresponding instrument.

ART. 7. Any alien residing in the colonial provinces, to be considered as such according to this law, will have to be inscribed in the *registry of aliens* kept to that effect by the superior civil governments and by the consulate of his nation.

When there is more than one consulate of the same nation in the territory, it will be kept by the one residing in the capital; and when there is none in the capital, by the one designated by the superior civil governor.

ART. 8. These registries shall contain—

The name, age, birthplace, state, and profession of the interested party, his quality of resident, transient, or emigrate.

The place of his residence.

The kind of business done by him.

The family accompanying him.

And any other circumstances serving to determine his civil state.

ART. 9. The registry of the consulates will have no legal effect unless it conform to the one of the superior civil government.

ART. 10. The inscription in the registry will be made according to the documents for the identification of his person presented by the person who requests it. In absence of documents, the interested party will be allowed to make a declaration by witnesses.

ART. 11. The inscription in the registry being made, the interested party will be furnished with an instrument showing his name, age, birthplace, state, and profession; his quality of resident, emigrate or transient, and accordingly the place of his residence.

This instrument shall be used by the interested party to accredit the authentication of his person and to reside and travel freely on the whole Spanish territory.

ART. 12. The alien who shall not desire to go to capital of the territory shall request, through the civil authority in the town in which he wishes to reside or establish himself, his inscription in the *registry of aliens*, to which effect he will furnish said authority with the documents identifying his person, or give the information stated in article 10.

ART. 13. The documents or acts of information will be forwarded in the original, within eight days, to the superior civil governor, who will order the inscrip-

tion to be made in the registry, the corresponding instrument to be issued, and the whole to be sent to the interested party through the same channel.

These acts shall be executed within fifteen days from the date of the reception of the document by the Government.

ART. 14. The information of witnesses, the acts of remitting, and all other matters necessary to the inscription in the registries, as also the certificate provided in article 6, and the instrument referred to in article 11, shall be made and forwarded officially and without charges.

ART. 15. Legally, the town where the alien keeps open house or where he resides after the three years' residence in the province, shall be considered as his domicile.

When he keeps open house in two or more towns, he will appoint one as his domicile.

ART. 16. When an alien changes from emigrate to transient or resident, or from transient to resident, or, if resident, changes his residence, he shall, personally or through the local authority, inform the superior civil government of it, and also return his papers, so that proper annotations may be made in them and in the registry.

The delay for the performance of said acts shall be the same as the one fixed in article 13.

ART. 17. Permit of residence shall be asked of the city council or local authority of the town in which the alien desires to fix himself, stating his motive and object, and his conditions and circumstances.

The petitioner will be allowed to appeal to the superior civil governor from the decision of the local authority or city council, who shall decide in last resort.

ART. 18. All demands for residence shall be decided by the local authority or city council within 15 days, after which the residence shall be taken as granted without decision.

The appeal to the superior civil governor against refusal of residence shall be decided within a month from the day of the receipt by the governor of the appeal request. After one month has passed without decision the residence shall be taken as granted and the decision appealed from annulled.

ART. 19. No alien can be inscribed as resident in the registry of the civil government, nor the place claimed by him be stated, unless he proves conclusively that said residence has been granted to him.

ART. 20. Aliens transient can reside where they like.

Notwithstanding this, when the residents in a certain place can, by their number, their origin, or other circumstances, endanger the friendly relations of Spain with another nation, the government or the superior authority of the province shall have power to select for them another place of residence.

ART. 21. Emigrates shall reside, while they are such, at the place selected by the superior civil governors, and the Spanish Government.

In the mean time, they will be under the vigilance of the political authority of the town where they first present themselves, which shall fix the place of residence and report immediately to the superior civil governor.

ART. 22. Emigrates entering the Spanish territory with arms shall be disarmed at once.

ART. 23. The superior civil governors, in their immediate report to the government, shall decide, besides the place of residence of the emigrates, whether they have to be kept in depot or receive assistance.

ART. 24. Emigrates who do not identify their persons shall not be inscribed in the registry of aliens until the proviso in the following article has been complied with.

In the mean time they shall figure in a special list with the names and circumstances declared by them. To that effect the authorities to whom they first present themselves shall be careful to forward with all dispatch the corresponding reports to the superior civil governors.

ART. 25. In the case referred to in the preceding article, the Spanish Government, or in its name the superior civil governors, shall ask of the nations from which the emigrates declare they came the necessary information to verify the truth of the statements given by them.

ART. 26. An emigrate shall pass to the class of transient or resident within six months of his arrival on the Spanish territory or before, should he so demand, and should his person have been identified.

ART. 27. Emigrates who within six months of their arrival on Spanish territory shall not have been identified, or of whom nothing certain is known, notwithstanding that the informations referred to in article 25 have been asked for, shall be inscribed according to the statements furnished by them.

ART. 28. The emigrate who cannot identify his person and lies in regard to his name and circumstances shall be liable to be expelled from the Spanish territory by order of the government or of the superior civil governor of the province.

Any one who, to identify his person, shall offer false documents or give false information, shall also be liable to be expelled. In this case there shall be criminal process and in accordance with the laws against the Spaniards who in any way have taken part in the offense.



TITLE II.—*Of the political condition of aliens.*

ART. 29. Aliens who, in accordance with this law, reside in the Spanish colonial provinces shall be entitled—

To the security of their persons, properties, residences, and correspondences in the way established by the laws for the Spaniards.

To meet and associate, in the cases and under the conditions established for the Spaniards, and provided their object be not a hostile one to the states which are on friendly terms with Spain.

To express and publish their ideas in accordance with the laws in force thereon with the Spaniards and with the restriction given in the anterior paragraph.

And to send petitions to the public officers and authorities in the way provided by the laws for the Spaniards.

ART. 30. Any alien shall have the right, in the Spanish colonial territories, to practice publicly or privately any kind of religious creed, without any other restrictions than the universal rules of moral and right.

ART. 31. No alien can be an elector, nor is eligible for public offices by popular election.

ART. 32. No alien can—

Fill any office, although not of popular election, which is connected with authority or jurisdiction.

Obtain any ecclesiastical charge.

Receive any of the public employments not connected with authority or jurisdiction, unless he enter the service of Spain with the permission of his respective government, or should this circumstance not occur, he be specially qualified for it by the Spanish Government.

In the last case, the alien shall be required, before taking possession of the position, to renounce the protection of his country in all that refers to the exercise of his charge.

ART. 33. All those considered as aliens according to this law, will have to pay all taxes of all kinds corresponding, in accordance with law, with the regulations and tariffs on the industry or business they exercise.

Residents will be, besides, subject to all provincial and municipal taxes, and to the ordinary and extraordinary donations, loans, and personal taxes.

ART. 34. The real or personal property belonging to any class whatever of aliens, although they do not reside on Spanish territory, shall be subject to all the taxes charged on the same kind of property belonging to Spaniards.

ART. 35. Aliens shall be exempt from filling municipal positions.

Are excepted residents with open business for themselves, who shall be subject to the taxes on lodgings and baggages.

ART. 36. Resident aliens shall have the right to enjoy all ordinary improvements of the towns in which they reside.

ART. 37. None of those considered as aliens by this law shall be subject to military service.

### TITLE III.—*Of the civil condition of aliens.*

ART. 38. Aliens shall be allowed to acquire and own in the Spanish colonial territory all kinds of real and personal property.

ART. 39. Any alien shall be allowed to exercise freely in the Spanish colonial provinces any kind of industry in accordance with the legislation in force, and devote himself to any profession for the practice of which the laws do not require titles of ability issued by the Spanish authorities.

ART. 40. Aliens shall be allowed to carry on wholesale or retail business, but subject to the commercial code, and the other laws, regulations, or dispositions governing the matter.

The prohibitions in existence regarding the discharge of public mercantile functions by aliens remain in force for the present.

ART. 41. Aliens shall be subject to the Spanish laws and courts for offenses committed on Spanish territory.

ART. 42. They shall be also subject to said laws and courts in all demands presented for or against them for the fulfillment of obligations contracted inside and outside of Spain in favor of Spaniards, or relative to property or possession of goods found on Spanish territory.

ART. 43. The Spanish courts shall also be competent to take and shall take cognizance of demands between aliens brought before them relative to the fulfillment of obligations contracted or executed in Spain.

ART. 44. In intestate cases of aliens the judicial authority of the town in which the death occurs, together with the nearest consul of the nation to which the deceased belonged, or with the person appointed by the consul in his stead, shall take the inventory of the property and goods and shall take the necessary steps to have them placed under custody and at the disposal of the heirs.

Should the alien be a resident, and should he die outside of his place of residence, the judge of the last place, to whom notice will be sent by the judge of the place where the death occurred, shall comply with the requirements in the preceding paragraph in regard to the property and goods of the deceased there.

Should there be no consul in the town where the death occurred or where he resides, the judicial authority, while awaiting the presence of the consul, who shall be advised immediately, or of his delegate, shall take only the necessary means to guard the property and goods.

ART. 45. With intestates, as well as with the testamentary successions of aliens, the Spanish courts shall only take cognizance of the claims and demands referred to in the preceding articles.

ART. 46. In other matters for or against aliens, the Spanish courts shall only be competent to adopt urgent and provisional means of precaution and security.

ART. 47. The aliens, as such, shall enjoy no special right or privilege, and shall accordingly be subject to the same courts to which the Spaniards are subject

#### TITLE IV.—*Of foreign ships.*

ART. 48. Criminals or offenders in common offenses shall not be allowed to take refuge on the foreign mercantile ships anchored in Spanish ports; and should they do so, the Spanish authorities shall proceed to their extradition, after advising the respective consul, if there be one, or according to the provisions of the respective international treaties in existence.

ART. 49. All foreign ships shall be allowed to enter Spanish ports of the colonies.

Those compelled to enter shall be helped by Spanish authorities.

ART. 50. The Spanish authorities shall interfere in any excess, disorder, or tumult occurring on a foreign ship anchored in a Spanish port, when they believe that it may affect the internal or external security or the peace of the territory.

In any other case they shall interfere only when the captain of the ship claims their help.

ART. 51. Deserters from the crew of foreign ships anchored in a Spanish port of the colonies shall be returned on board by the Spanish authorities when caught.

ART. 52. In the case of shipwreck of a foreign ship the marine, assisted by the other authorities, and with the consent of the captain or officer of the ship and of the respective consul, should there be one, shall proceed to take all the necessary steps for saving the ship.

ART. 53. In the case referred to in the preceding article, only the costs of salvage shall be demanded, and according to the rates fixed for Spanish ships.

ART. 54. Any fault, neglect, or omission on the part of the Spanish authorities regarding the assistance referred to in the preceding article shall render them responsible before the Spanish Government, but it shall not give right to any kind of indemnity to those who think themselves injured, except when provided for in treaties.

TITLE V.—*General dispositions.*

ART. 55. The dispositions of this law do not refer to foreign representatives or to the persons depending on them as such.

ART. 56. The laws and dispositions in existence until now are hereby repealed, when in contradiction to the prescriptions of this law.

ART. 57. The colonial minister shall make such rules and regulations as may be necessary for the proper fulfillment of the provisions of the present law, and take furthermore all other measures required to secure the same result.

I do therefore by these presents order and command all courts, justices, governors, and authorities of all classes and ranks, whether civil, military, or ecclesiastical, to cause the above law to be enforced and obeyed in every respect.

SAN ILDEFONSO, *July 4, 1870.*

FRANCISCO SERRANO.

By the Regent:

SEGISMUNDO MORET Y PRENDERGAST,

*Secretary of the Colonies.*

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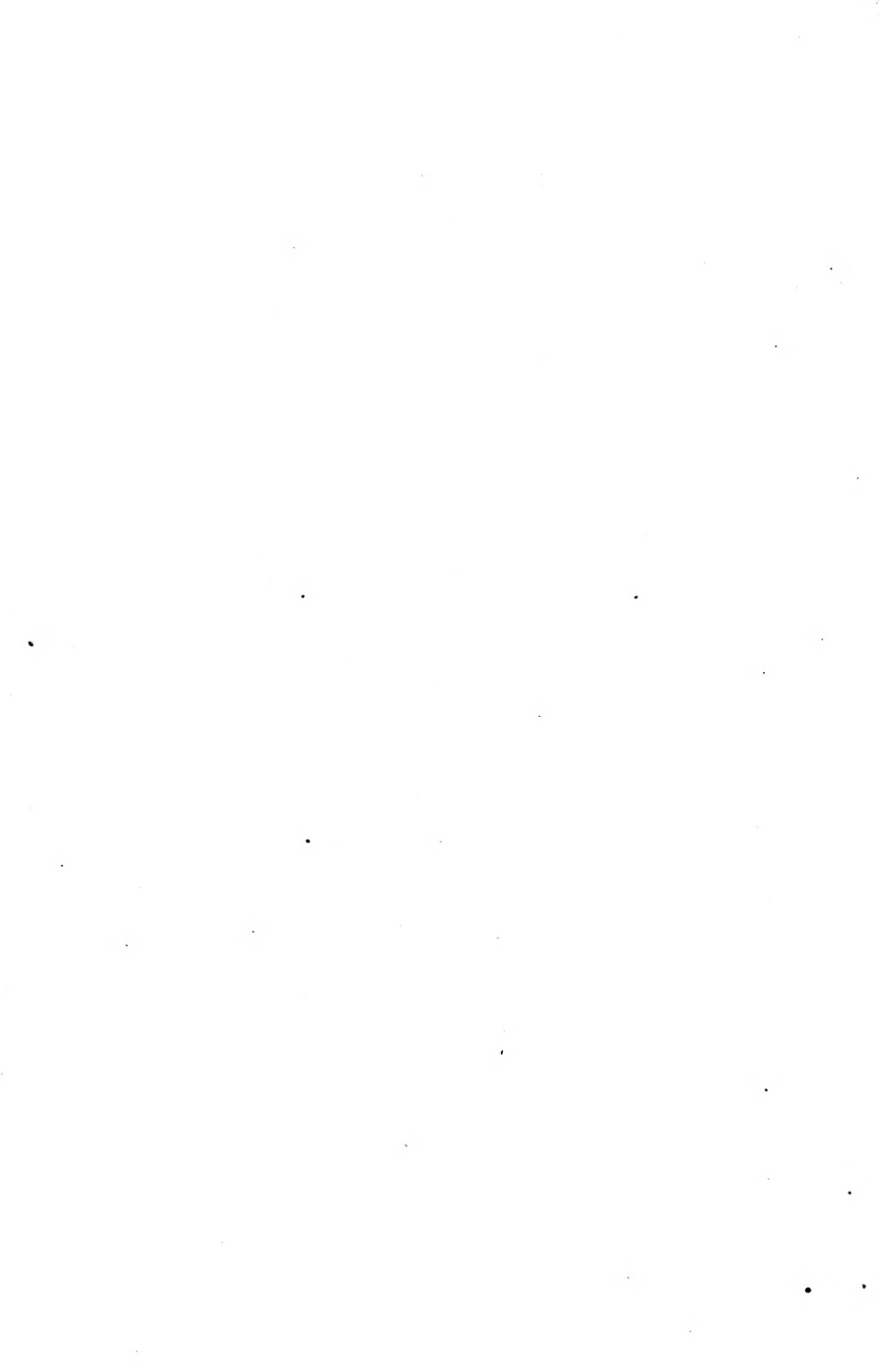
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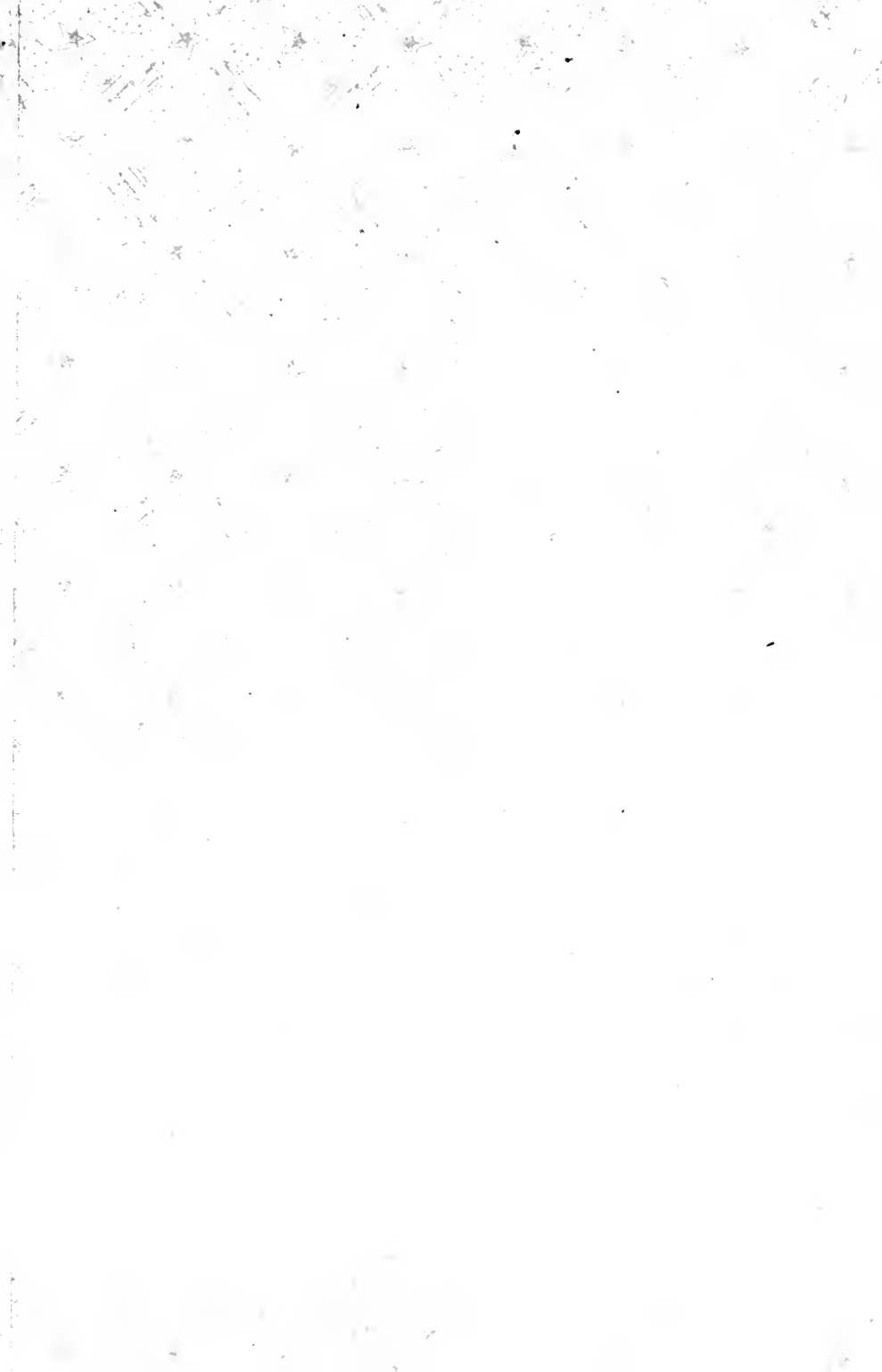












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